



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 5579-99

4 October 1999

LTCOL [REDACTED] USMCR  
[REDACTED]  
[REDACTED]

Dear Colonel [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 September 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 31 August 1999, a copy of which is attached. They also considered your rebuttal letter dated 9 September 1999.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB, except they noted that the report you want to replace your contested report begins on 4 December 1994, not the 1 December 1994 beginning date of the report you want removed. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

5579-99

IN REPLY REFER TO:  
1610  
MMER/PERB  
AUG 31 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF  
LIEUTENANT COLONEL [REDACTED], USMCR

Ref: (a) LtCol. [REDACTED] DD Form 149 of 17 May 99  
(b) MCO P1610.7D

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 24 August 1999 to consider Lieutenant Colonel [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 941201 to 950506 (CH) (dated by the RS 980605) and its replacement with the report for the same period, signed by the RS on 971116 was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner states that the Reporting Senior (Colonel [REDACTED]) authored the initial version of the challenged fitness report on 971116 and that he (the petitioner) subsequently signed another report for the same period, dated by Colonel [REDACTED] 980605. To support his appeal, the petitioner furnishes letters from the Group's Adjutant and Administrative Chief (Captain [REDACTED]) and Gunnery Sergeant [REDACTED] respectively).

3. In its proceedings, the PERB concluded that:

a. The current fitness report of record is both administratively correct and procedurally complete as written and filed. Unfortunately, the copy of the report at enclosure (1) to reference (a) is not only of poor quality, but it bears no certification or authentication.

b. The two advocacy letters included with reference (a) state what the Reporting Senior (Colonel [REDACTED]) and the Chief of Staff (Colonel [REDACTED]) intended to do to ensure the "valid" report for the period was submitted. However, this Headquarters is not in receipt of any correspondence from either officer, let alone a "valid" report from Colonel [REDACTED]. Should a request be received from Colonel [REDACTED] to accept the supposedly previously submitted report with his dated signature of 971116, the Board would certainly entertain the merits of such a request. It

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should be pointed out that any copy must be certified as a "true copy" and of a legible quality.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of Lieutenant Colonel [REDACTED] official military record.

5. The case is forwarded for final action.



Colonel, U.S. Marine Corps  
Deputy Director  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps