



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 3898-99
2 September 1999

SSGT [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Staff Sergeant [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.

You requested removal of your adverse fitness report for 7 April to 30 September 1998 and the setting aside of your relief for cause (RFC) from recruiting duty. Your request to remove documentation of your RFC could not be considered, because no such documentation appears in your Official Military Personnel File.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 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) in your case, dated 11 June 1999, and the advisory opinion from the Marine Corps Recruiting Command, dated 28 April 1999, copies of which are attached. They also considered your rebuttal letters dated 20 June and 22 August 1999, the latter with enclosures.

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 and the advisory opinion, except the last sentence. Since they were unable to find any basis to set aside your RFC, they had no grounds to correct your record to show that you completed a successful tour as a recruiter. 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

Enclosures



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

3898-99

IN REPLY REFER TO:
1610
MMER/PERB
JUN 11 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 STAFF
SERGEANT [REDACTED] USMC

Ref: (a) SSgt. [REDACTED] DD Form 149 of 1 Jan 99
(b) MCO P1610.7D w/Ch 1-5

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 8 June 1999 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 980407 to 980930 (DC) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner infers that he was unjustly relieved for cause from recruiting duty and was subjected to standards different than those of other recruiters who were experiencing less productivity and had less time on station than he. To support his appeal, the petitioner provides voluminous items of documentation pertaining to his performance as a recruiter.

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. Throughout his rebuttal statement, and again in reference (a), the petitioner has refused to accept any appreciable degree of responsibility for his own performance. He portrays an environment where he was devoid of support and guidance from his command and his fellow recruiters, and faced with an environment hostile to Marine Corps recruiting. It is the belief of the PERB that this attempted misdirection of responsibility degenerates to nothing more than "finger pointing" and innuendo and ultimately questions the competence and professionalism of senior Marines. While the petitioner repeatedly emphasizes the absence of support/guidance, no corroboration has been offered.

b. What did or did not happen to other Marines is not germane to the petitioner's situation. The simple fact of the matter is that the Commanding Officer/Reporting Senior lost confidence in the petitioner's ability to accomplish the mission and exercised his rightful prerogative in effecting the relief for cause.

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SERGEANT, [REDACTED] USMC

c. The Reviewing Officer's adjudication was completed with amplifying comments having been provided. The Reviewing Officer described a totally different environment in which the petitioner was provided counseling and assistance, all to no avail.

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

5. The case is forwarded for final action.

[REDACTED]

Chairperson, Performance
Evaluation Review Board
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps



UNITED STATES MARINE CORPS
MARINE CORPS RECRUITING COMMAND
3280 RUSSELL ROAD
QUANTICO, VA 22134-5103

IN REPLY REFER TO
1430
A
28 Apr 99

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

Subj: ADVISORY OPINION IN THE CASE OF STAFF SERGEANT [REDACTED]
[REDACTED] USMC

Ref: (a) MMER ltr dtd 9 Apr 99
(b) MCO 1610.7E

1. In response to the request for advisory opinion contained in reference (a), Staff Sergeant [REDACTED] tition has been reviewed as well as his OMPF. The Recruiting Command recommends that the fitness report in question remain a part of his official record.

2. Per reference (b), Staff Sergeant [REDACTED] was given ample opportunity by his command, up to and including his Commanding Officer, to correct his deficiencies. Unfortunately, he refused and eventually began to blame others for his shortcomings. This is a classic case of a capable, experienced recruiter who was unwilling to improve in spite of repeated counseling sessions designed to motivate him. Additionally, Staff Sergeant [REDACTED] relief for cause case file should remain a part of his official record, as there is no evidence to suggest any unfairness by his chain of command.

[REDACTED]

Colonel, U. S. Marine Corps
Chief of Staff
Marine Corps Recruiting Command