



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

BJG  
Docket No: 7130-01  
24 October 2001

SSC [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.

It is noted that the Commandant of the Marine Corps (CMC) has directed that the contested fitness report for 1 October 1998 to 19 April 1999 be amended by adding the third sighting officer's Addendum Page dated 26 June 2001.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 October 2001. 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 5 September 2001, a copy of which is attached. They also considered your letter dated 15 October 2001 with enclosure, and the retired Marine Corps first sergeant's letter dated 14 October 2001 with endorsements.

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. The supporting documentation, including the first sergeant's letter, did not persuade them that the reporting senior was biased against you because of your medical condition. In view of the above, your application for relief beyond that effected by CMC 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

IN REPLY REFER TO:  
1610  
MMER/PERB  
5 SEP 2001

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 29 Jun 01  
(b) MCO P1610.7E

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 5 September 2001 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 981001 to 990419 (CD) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that in completing the evaluation, the Reporting Senior focused on her medical status rather than her overall performance as a Marine. To support her appeal, the petitioner furnishes statements from her current Commanding Officer, Officer-in-Charge, and First Sergeant. She also provides a record of her medical history/procedure and copies of other fitness reports.

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. While the advocacy letters from [REDACTED] CWO2 [REDACTED] and First Sergeant Scott are all complimentary and supportive, none of those individuals were in the petitioner's reporting chain **at the time**. Consequently, their views and opinions are simply not germane.

b. Based on the documents included with reference (a), there is no doubt the petitioner experienced severe health concerns during the reporting period. However, her belief that the report reflected the Reporting Senior's bias regarding that medical situation is not borne out by the evidence. There is absolutely nothing substantive to show the report is either inaccurate or unfair, or that the petitioner somehow rated more than what has been recorded. There is no indication by either

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reporting official that the petitioner's performance was lacking in any area.

c. The Addendum Page furnished with Major [REDACTED]'s letter at enclosure (1) to reference (a) meets the spirit and intent of subparagraph 8007.3 of reference (b) regarding the acceptance of supplemental comments. As a result, the Board has directed the insertion of the Addendum Page into the petitioner's official record.

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]'s 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