



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

*bn*

BJG  
Docket No: 6600-02  
26 August 2002

MA [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear [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 21 August 2002. 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 (HQMC) Performance Evaluation Review Board (PERB), dated 17 July 2002, and the advisory opinion from the HQMC Officer Counseling and Evaluation Section, Personnel Management Division, dated 15 July 2002, copies of which are attached.

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 in finding that the contested fitness report should stand.

The Board did not agree with your contention that the report in question was too early in your career to permit the reviewing officer (RO) to say you "could be a late bloomer." They likewise did not accept your assertion that the RO's comments constituted "faint praise"; in any event, they noted that the applicable fitness report order, Marine Corps Order P1610.7C, did not expressly prohibit RO (as opposed to reporting senior) comments that reflect "faint praise." They found no requirement for the RO to justify his comments. Finally, as they did not find the RO comments to be adverse, they found no requirement that they be referred to you for rebuttal.

Since the Board found no defect in your performance record, they had no basis to strike your failure by the Fiscal Year 2003 Lieutenant Colonel Selection Board.

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

0600-02

IN REPLY REFER TO:  
1610  
MMER/PERB  
JUL 17 2002

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 MAJOR  
[REDACTED], USMC

Ref: (a) [REDACTED] DD Form 149 of 19 Apr 02  
(b) MCO P1610.7C w/Ch 1-3

Encl: (1) CMC Advisory Opinion 1610 MMOA-4 of 15 Jul 02

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 10 July 2002 to consider Major [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 870930 to 880501 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the Reviewing Officer's statement is unjust and "gratuitously inconsistent" with the Reporting Senior's comments, "pejorative without objective rationale", and a violation of the spirit and intent of reference (b).

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. At the outset, the Board believes that the Reviewing Officer's comments are not, as the petitioner alleges, inconsistent with those of the Reporting Senior. Even if that were the case, there is nothing in reference (b) that requires the Reviewing Officer's remarks to either agree with or be a mirror image of the Reporting Senior's comments. Likewise, we find no substance to the petitioner's contention that Major [REDACTED] remarks are pejorative or in violation of the Performance Evaluation System.

b. The challenged fitness report was the petitioner's first observed performance evaluation in a Fleet Marine Force command. As a Second Lieutenant, he was expected to grow and improve; the Board finds absolutely nothing in Major [REDACTED] narrative connoting "adverse" performance.

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF MAJOR  
[REDACTED] USMC

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of Major [REDACTED] official military record.
5. The enclosure is furnished to assist in adjudicating Major [REDACTED] request for removal of his failure of selection.
6. The case is forwarded for final action.

[REDACTED]

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