



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

BJG  
Docket No: 5322-02  
9 August 2002

LTCOL [REDACTED] USMCR  
[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.

It is noted that the Commandant of the Marine Corps (CMC) has directed that the contested fitness report for 1 January to 30 September 1998 be amended by changing the reporting senior's certification to reflect your peer's primary military occupational specialty (PMOS) was "7543 [EA-6B pilot]," rather than "7204 [anti-air warfare]."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 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 5 June 2002, the advisory opinion from the HQMC Career Management Team (CMT) dated 26 June 2002, and the memorandum for the record dated 7 August 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 fitness report at issue, as amended, should stand. The reviewing officer's statement did not persuade them that the reporting senior was biased in favor of aviators when he ranked you last of 11 majors. They noted that item 2.f of the contested report showed your own PMOS as "7202 [air command and control]," while the reporting senior's certification showed it as "7204." They could not determine which was correct, as you stated, in block 9 of your application, that you were "correctly listed as having the 7204 MOS," while the memorandum for the record reflects you indicated that

your MOS should be 7202. They further observed that in any event, you have not exhausted your administrative remedies regarding this discrepancy concerning your own PMOS. You may submit to HQMC (MMSB) a request for correction of this error.

The Board found your failure by the Fiscal Year 2002 Reserve Lieutenant Colonel Selection Board should stand. In this regard, they substantially concurred with the advisory opinion from CMT with respect to the error in your peer's PMOS. Further, they found it definitely unlikely that the discrepancy concerning your own PMOS would have had an appreciable effect on your chances to be selected for promotion.

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

Enclosures



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

5322-02

IN REPLY REFER TO:  
1610  
MMER/PERB  
JUN 05 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] USMCR

Ref: (a) [REDACTED] DD Form 149 of 12 Mar 02  
(b) MCO P1610.7D w/Ch 1-6

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 4 June 2002 to consider Major [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 980101 to 980930 (DC) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that [REDACTED] Military Occupational Specialty (MOS) was listed incorrectly on page two of the "Reporting Senior's Certification." It is the petitioner's argument that not only was he ranked "11 of 11", but that it appears as though he was also ranked "2 of 2" in his MOS. To support his appeal, the petitioner furnishes a letter from the Reviewing Officer of record [REDACTED].

3. In its proceedings, the PERB concluded that, with the exception of [REDACTED] MOS, the report at issue is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. Regardless of what changes were instituted with the current Performance Evaluation System directive, the fact remains that when the challenged report was prepared, all officers of the same grade, to include those with different MOSs, were ranked against each other. In this regard, the Board discerns absolutely no error or injustice.

b. The petitioner is correct that [REDACTED] MOS was incorrectly listed as "7204." They do not, however, find that removal of the entire report is necessary or warranted. Instead, the Board has directed that [REDACTED] MOS be changed to reflect "7543."

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

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report, as modified, should remain a part of [REDACTED]'s official military record. The corrective action identified in subparagraph 3b is considered sufficient.

5. 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



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

5322-02

IN REPLY REFER TO:  
1610  
CMT  
26 Jun 02

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

Subj: RESERVE AFFAIRS ADVISORY OPINION ON BCNR APPLICATION;  
CASE [REDACTED] USMCR

Ref: (a) PERB ltr 1610 MMER/PERB dtd 5 Jun 02

1. Recommend [REDACTED] request for removal of failure of selection from FY02 USMCR Lieutenant Colonel Selection Board be denied. The following justification is provided.

2. [REDACTED] request to remove his failure of selection is based on the fact that his fitness report dated 980101-980930 includes an error in listing Major [REDACTED] MOS. Major [REDACTED] ranked against [REDACTED] the reporting senior certification. Reference (a) has directed a correction to the MOS listed for [REDACTED]

3. Based on a review of his record, we do not believe that the change directed by reference (a) substantially changes Major [REDACTED] overall record of performance. The overall value and distribution of the officer's record remains the same with respect to his peers. Although it may change his value and distribution as compared to another officer with a similar MOS, it is important to note that officers are not promoted by occupational specialty.

4. Point of contact [REDACTED] t [REDACTED]

[REDACTED]  
By direction

DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)  
PERFORMANCE SECTION  
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WASHINGTON, DC 20370-5100  
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MEMORANDUM FOR THE RECORD

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DATE: 7AUG02

DOCKET NO: [REDACTED]

PETITIONER (PET) [REDACTED] USMCR

PARTY WHO CALLED: PET

TELEPHONE #: N/A

WHAT I SAID: I ASKED PET WHAT HIS PMOS SHOULD BE ON THE FITREP AT ISSUE.

WHAT PARTY SAID: PET STATED THAT A 7204 BECOMES A 7202 UPON PROM TO MAJ, SO HIS MOS SHOULD BE 7202.

*B. George*

BRIAN J. GEORGE