



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

BJG  
Docket No: 8376-02  
15 November 2002

SGT [REDACTED] USMC  
[REDACTED]  
[REDACTED]

Dear 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 November 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 Performance Evaluation Review Board (PERB), dated 23 September 2002 with attachment, a copy of which is 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. They also noted that the Marine Corps Total Force System entry attached to the PERB report showed you were assigned to weight control on 17 January 2001; the contested fitness report for 1 March 2001 to 18 February 2002 stated you were removed on 20 December 2001. 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

8376-02

IN REPLY REFER TO:  
1610  
MMER/PERB  
SEP 23 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  
SERGEANT [REDACTED] USMC

Ref: (a) Sergeant [REDACTED] DD Forms 149(3) of 2 Apr 02  
(b) MCO P1610.7E w/Ch 1  
(c) MCO P1610.7E w/Ch 1-2

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 18 September 2002 to consider Sergeant [REDACTED] petition contained in reference (a). Removal of the following fitness reports was requested:

- a. Report A - 991106 to 000331 (AN) - Reference (b) applies
- b. Report B - 001118 to 010228 (TR) - Reference (c) applies
- c. Report C - 010301 to 020218 (CD) - Reference (c) applies

2. The petitioner contends that during the periods covered by the challenged fitness reports she was never officially assigned to the Weight Control Program. This, she believes is confirmed by the absence of appropriate unit diary entries. To support her appeal, the petitioner furnishes her own statements, a copy of "Weight Control 113 Remarks" from the Marine corps Total Force System (MCTFS), and copies of the fitness reports at issue.

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

a. The issue surrounding all three reports was the petitioner's failure to meet established Marine Corps height/weight/body fat standards. She was aware of this situation and commented accordingly on Report A. As far as Reports B and C are concerned, the petitioner omitted statements of rebuttal on both evaluations, thereby passively concurring in the accuracy of the recorded information.

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

b. Lacking any evidence to the contrary, ~~and not with-<sup>RD</sup>standing the absence of entries in MCTFS,~~ the Board presumes the two commands involved in these reports complied with the proper procedures for the petitioner's assignment to the Weight Control Program. That the assignment was not recorded via unit diary entry does not somehow invalidate the accuracy of either the assignment or the information contained in the challenged fitness reports. To this end, the Board discerns neither an error nor an injustice.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness reports should remain a part of 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

TORR113

\*\*\*\*\* WEIGHT CONTROL 113 REMARKS \*\*\*\*\*

07/30/2002

GMS33G ENTER NEXT SSN: \_\_\_\_\_ ENTER CATG: \_\_\_\_\_ \$ . NBR: \_\_\_\_\_ 06:12:16

SSN: [REDACTED] NAM [REDACTED]

4376-02

RUC: 06115 COMPANY CODE: S PRES GRADE: E5 RECSTAT: 0 COMP CODE: 11

PLT CODE: STAF TRNGRP: R-RECSTAT: RCOMP CODE:

KILL

SEQ	DATE	FROM	TO	WCC	ADR	TYP-DOC#-YEAR-RUC-DPI-TTC	TCH	DATE
00002	999999	20010117	03000000	4	B:	1-00132-2002-06115-02-0337-20020709		
					E:	1-00132-2002-06115-02-0337-20020709		
00001	999999	20000504	20000510	3	B:	1-00022-2000-45502-03-0337-20000514		
					E:	1-00124-2000-45502-03-0339-20000605		

\*\*\*\*\* C O M P L E T E D \*\*\*\*\*

PF1 - HELP

PF3 - EXIT TO TRMK MENU

PF12 - LOCAL PRINT