



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

*BJG*

BJG  
Docket No: 9131-02  
21 November 2002

SG [REDACTED] SMC  
[REDACTED]

Dear Ser[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 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 16 October 2002, 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. Accordingly, 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

IN REPLY REFER TO:  
1610  
MMER/PERB  
OCT 16 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] SMC

Ref: (a) Serge [REDACTED] DD Form 149 of 18 Jul 02  
(b) MCO P1610.7E w/Ch 1-2

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 9 October 2002 to consider Serge [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 000805 to 010427 (CH) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the report is substantively inaccurate since it states he was assigned to the weight control program. The petitioner furnishes excerpts from the Marine Corps Total Force System (MCTFS) reflecting the absence of any formal assignment to the Weight Control/Military Appearance Program.

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 observes that when the petitioner acknowledged the adverse nature of the report (evidence his signature in Item J2), he omitted a statement in his own behalf. In so doing, he passively concurred in the entire evaluation, to include information contained in Items 8e, 8f, and Section I (all of which directly refer to his failure to meet established Marine Corps height/weight/body fat percentage standards). Had there been any disagreement as to the accuracy of the recorded information, it should have been surfaced at that time. To do so more than a year after the fact lacks a certain amount of credibility and timeliness.

b. The failure of the petitioner's unit to ensure that his assignment to weight control was reflected in MCTFS does not

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somehow call into question the accuracy of the recorded information or negate memorializing that information via the performance evaluation system. Additionally, the absence of such an entry does not mean the petitioner was not properly assigned to the program during the stated period.

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