



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

BJG
Docket No: 196-99
9 April 1999

CAPT [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Cap [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, United States Code, section 1552.

It is noted that the Commandant of the Marine Corps (CMC) has added memoranda to your record showing that your fitness report for 9 January to 8 March 1991 is a combat report, and clarifying that you were ranked one of two in your report for 1 July to 16 September 1993.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 April 1999. 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 13 January 1999, 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 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

196-99

IN REPLY REFER TO:
1610
MMER/PERB
JAN 13 1999

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
CAPTAIN [REDACTED] USMC

Ref: (a) Captain [REDACTED] DD Forms 149(2) of 18 Aug and 8 Sep 98
(b) MCO P1610.7C w/Ch 1-5

1. Per MCO 1610.11B, the Performance Evaluation Review Board, with three members present, met on 6 January 1999 to consider Captain [REDACTED] petitions contained in reference (a). The petitioner requested that the fitness reports identified below be corrected to reflect marks in Items 3c of "C" and statements in the narratives indicating combat fitness reports.

- a. Report A - 900912 to 910105 (CH)
- b. Report B - 910109 to 910308 (TD)

Reference (b) is the performance evaluation directive governing the submission of both reports. In addition, the petitioner asks that the Reporting Senior's Certification of his fitness report for the period 930701 to 930916 (TR) (Report C) "legibly" reflect his ranking as "1 of 2."

2. The petitioner contends that Reports A and B should both reflect duty in a combat situation and has provided extracts from his Officer Qualification Record (OQR) to substantiate such an action.

3. In its proceedings, the PERB concluded that:

- a. Report A is both administratively correct and procedurally complete as written and filed. It was not until hostilities commenced and "Operation Desert Shield" became "Operation Desert Storm" that fitness reports were identified as "combat" and so reflected in Item 3c and the Section C narrative. This policy was announced in CMC Message 090711Z January 1991.

- b. Report B properly reflects a "combat" period of duty by the "C" in Item 3c. The absence of a corresponding comment in Section C is considered an administrative oversight and will be corrected via the insertion of a Memorandum for the Record onto the performance ("P") section of the petitioner's Official

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Military Personnel File (OMPF). His Master Brief Sheet already reflects that information.

c. To the members of the Board, the petitioner's ranking as "1 of 2" in the Reporting Senior's Certification on Report C is legible. However, to preclude any confusion, a Memorandum for the Record clarifying that matter will be placed onto the performance ("P") section of his OMPF.

4. The Board's opinion, based on deliberation and secret ballot vote, is that Report A should remain as configured. The actions identified in subparagraphs 3b and 3c above satisfy the petitioner's requests.

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