



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

SMC
Docket No: 00826-99
16 April 1999

SSG [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Staff 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 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 9 February 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. The Board found that the contested fitness report adequately reflects that your primary duty was that of a career planner. They did not find inconsistency within the narrative of the report. 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.

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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

826-99

IN REPLY REFER TO:
1610
MMER/PERB
FEB 9 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 STAFF
SERGEANT [REDACTED], [REDACTED] USMC

Ref: (a) SSgt. [REDACTED] DD Form 149 of 28 Oct 98
(b) MCO P1610.7D w/Ch 1-4

1. Per MCO 1610.11B, the Performance Evaluation Review Board, with three members present, met on 4 February 1999 to consider Staff Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 970101 to 971231 (AN) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the report is administratively incorrect and unjust. It is his belief that there are phrases/comments in the Section C narrative which are "vague" and cause the reader to have to "read between the lines." He also states that when he received a copy of the report, there was no marking in Item 19 (Qualified for Promotion). As a final matter, the petitioner points out that the Enlisted Counselor informed him that the report reflected a decline in performance. This, he believes, weighed heavily in the decision of the Promotion Board and was detrimental to his chances of being selected. To support his appeal, the petitioner furnishes his own statement, letters concerning the Commanding General's Readiness Inspection, and an e-mail from Master Gunnery Sergeant [REDACTED] (HQMC, MMEA-64).

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. Notwithstanding the petitioner's beliefs and arguments to the contrary, the Board discerns absolutely nothing "vague" or "ambiguous" in the Section C narrative. Likewise, there is no inconsistency between any of the marks in Section B and the comments in Section C.

b. A review of the petitioner's record reveals that Item 19 was correctly marked "yes" prior to the report becoming a matter of official record. This Headquarters detected the error, contacted the Reporting Senior, and rectified the oversight.

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Consequently, the record viewed by the Gunnery Sergeant Selection Board contained the corrected report.

c. The Board emphasizes that each performance evaluation covers a finite period. Consequently, prior (and subsequent) performance appraisals are not considered germane in determining a report's validity. In this regard, the Board concludes that fluctuations in grades are presumed to be nothing more than a measure of degree in what areas the intensity and application of effort were required. There are simply no apparent reporting deficiencies with the petitioner's performance during this timeframe.

d. As a final matter, the PERB states its position that it cannot and does not operate under the premise that administratively correct and factually accurate fitness reports should be removed to enhance promotional competitiveness. To do so would breach the integrity and viability of the entire Performance Evaluation System.

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