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

SMC
Docket No: 04538-99
15 October 1999

SSGT [redacted] USMC
[redacted]

Dear Staff Sergea[redacted]

This is in reply 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 October 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 12 July 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 was unable to find you lacked support from the command group, that you had a personality conflict with your commanding officer, or that you were not counseled on your performance. Regarding your contention of a personality conflict, they noted it is a subordinate's responsibility to get along with superiors. Concerning counseling, the Board generally does not grant relief on the basis of an alleged absence of counseling, since it takes many forms, so the recipient may not recognize it as such when it is provided.

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

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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

4538-99

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

IN REPLY REFER TO:
1610
MMER/PERB
JUL 12 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 SERGEAN[redacted] USMC

Ref: (a) S[redacted]s DD Form 149 of 19 Apr 99
(b) MCO P1610.7D w/Ch 1-4

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 7 July 1999 to consider Staff Sergeant [redacted]s petition contained in reference (a). Removal of the fitness report for the period 980201 to 980525 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner claims there was no support from the command group, that he did not receive any performance counseling, that there existed a "personality conflict" between him and the Commanding Officer, and that his personal recruiting statistics were higher than those of the Recruiting Station. To support his appeal, the petitioner provides his own statement, statistics from the Marine Corps Recruiting Command, copy of a Certificate of Appreciation, and a recruiter checklist.

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 emphasizes that in his own rebuttal to this adverse report, the petitioner freely admitted to "dropping my pack" and taking blame for nine "back-outs" and some of the high school drop-outs that might have been salvaged. With this self-admission of substandard performance, it appears the reporting officials had no recourse but to report those facts. The petitioner's attempt to justify below standard performance during the period, based on previous evaluations, is simply not germane.

b. The petitioner attempts to use personal interpretation of statistics for justification; however, he provides no solid numbers. On the other hand, the Reporting Senior and Reviewing Officer both provide factual information concerning the petitioner's performance and fully justify the evaluation as written.

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

c. What the Board opines is that the petitioner tried to coast out of his tour, did essentially nothing for four months, and tried to take advantage of a new Commanding Officer. He not only "dropped his pack", but it appears as though he forced other Marines to carry it.

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