



In your current request for correction, the Board noted the only new evidence that was not previously considered by the Board consisted of your most recent fitness reports, the debarment letter dated 14 June 2010, and pages from the duty log dated 16 October 2015 which were unreadable.

Due to the new evidence, the Board carefully reconsidered your contentions. The Board concurred with the previous Board's decisions regarding the 5 August 2015, 26 September 2016, and 18 August 2017 counseling entries and determined the entries met the 6105 counseling requirements and the evidence was insufficient to support your contentions. The Board noted the 31 August 2016 counseling entry was not discussed in the previous decision because your official military personnel file does not contain the counseling entry nor did you submit a copy of the entry. The Board, noting you did not specify contentions related to the counseling entry nor did you provide supporting evidence for your request to remove the entry, determined there was insufficient evidence to overcome the presumption of regularity attached to the 31 August 2016 counseling entry which is referenced in the 26 September 2016 counseling entry and the contested fitness report ending on 26 September 2016.

Additionally, the Board concurred with the previous Board's decision and substantially concurred with the AO that the fitness report for the reporting period 1 July 2016 to 26 September 2016 is valid and should be retained as filed. The Board noted your implied contention that the report was unjust because a September counseling entry noted in the report was unjust. However, the Board concluded your fitness report was deemed adverse for several reasons. Specifically, the report was deemed adverse due to your receipt of derogatory material, your adverse mark for judgment, your unsatisfactory comparative assessment mark, and your non-recommendation for promotion. Having determined the underlying Page 11 6105 counseling entries were properly issued, and relying on the AO, the Board concluded your request to remove the report ending 26 September 2016 is lacking in substantial evidence of error or injustice.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

11/10/2021

[Redacted signature area]

Signed by

[Redacted name]