



document. Furthermore, you contend the fitness reports received during the date of the incident and the date of the 6105 counseling are not identified as being adverse in nature.

The Board, however, substantially concurred with the AO that, given the presumption of regularity, your petition amounts to an unsupported claim that the command falsified your signature on the 6105 counseling entry and contents of the corresponding rebuttal, and without your knowledge, submitted the documents in your OMPF. This unsupported claim is not enough to overcome the objective evidence of your actions, which were investigated by the Student Performance Evaluation Board, and its connection to the issuing official's decision to give you the Page 11 6105 counseling for violating the College of Distance Education and Training academic integrity policy.

The Board took into consideration your statement in rebuttal of the counseling entry to which you claim you did not draft or submit, however, determined you provided no evidence to the contrary. The Board also took into consideration the fitness reports you provided as evidence to show they were not adverse or documented any derogatory material. However, the Board noted that per the Performance Evaluation System Manual, the Reporting Senior is not required to submit an adverse fitness report on the basis of a formal counseling entry. The Board thus concluded that your petition did not demonstrate probable material error, substantive inaccuracy, or injustice warranting removal of the contested Page 11 6105 counseling and associated rebuttal from your OMPF.

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,

12/24/2021



Deputy Director

Signed by:

