

properly document your DUI. You also claim that if your command had properly documented your DUI, you would have been able to move up in the promotion recommendations instead of being marked "P." As evidence, you provided a copy of your fitness report signed on 9 November 2016.

The Board, however, substantially concurred with the AO that your fitness report is valid and should be retained as filed. In this regard, the Board noted that the Navy Performance Evaluation System Manual (EVALMAN) authorizes the use of "Certified Copy Provided", the final distribution of promotions is determined by each RS, your fitness report is not adverse or declining and RSs are not required to provide justification for Promotable promotion recommendations. The Board also noted your statement regarding your DUI and the fitness report you furnished. The Board found no evidence that your DUI arrest influenced your promotion recommendations or that the fitness report you signed on 9 November 2017 was submitted to PERS-32 for inclusion in your official record and you provided none. The Board determined that your contested fitness report is the official fitness report of record and that your RS acted within regulations and his discretionary authority when assigning your promotion recommendation. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

12/10/2021

[REDACTED]
Executive Director

Signed by: [REDACTED]