



[REDACTED]

to the President, Fiscal Year 2023 Colonel Promotion Selection Board in which he explains that his markings and assessment did not fully incorporate your total performance, professional qualities, and potential. The RS further laments his failure to advocate that the Staff Judge Advocate to the Commandant of the Marine Corps, who was the assigned Reviewing Officer, provide you with an observed fitness report.

The Board, however, substantially concurred with the AO and the PERB decision that the report is valid as written and filed, in accordance with the applicable PES Manual guidance. In this regard, the Board, noting the RS's endorsement did not specify how your performance warranted higher marks, concluded the RS's mere statement his markings and assessment were improperly based on your impending EAS is insufficient evidence an error or injustice occurred in 2011 when the report was issued. The Board also did not find your RS's recommendation that you be placed in a reserve billet "requiring our best and brightest officers" to be in error, especially when considering the succeeding report was a not-observed, end-of-active-service report. The Board thus concluded your request 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,

12/17/2021

[REDACTED]

Deputy Director

[REDACTED]