

February 2021; and your 14 years of experience. The entry also noted that you attempted to transport hazardous material on state highways without the proper shipping papers and markings, failed to properly track and account for cargo, you were absent from the deployment after being awakened by your officer-in-charge, and you lacked initiative for not taking advantage of training opportunities. The Board also noted that you acknowledged the page 11 entry and elected to submit a statement. In your statement, you acknowledged making a mistake by allowing the shipper to dictate the placement of hazmat placards, provided a rebuttal to other noted discrepancies and stated that all errors or bad processes within your section have been corrected. The Board, however, determined that the contested entry was issued and written according to the IRAM. Specifically, the entry provided written notification concerning your substandard performance, specific recommendations for corrective action, where to seek assistance, and it afforded you the opportunity to submit a rebuttal. Moreover, your commanding officer signed the entry and determined that that your substandard performance was a matter that formed an essential and permanent part of your military record, as it was his/her right to do. The Board, however, found no evidence that your page 11 entry was in error or unjust and you provided none. 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,

2/24/2022

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Executive Director
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