



to successfully take the recommended corrective action, and a reasonable opportunity to undertake the recommended corrective action. Although you were afforded the opportunity to rebut the counseling, you chose not to do so.

The Board noted that a 6105 counseling is given a presumption of regularity, which requires you to provide substantial evidence that the commander's decision was unjust or was materially in error. The Board further noted that you did not provide evidence to rebut this presumption of regularity.

With regard to your contention that the 6105 entry was unjust and prematurely issued, the Board noted that although you subsequently qualified on the range, you did in fact fail to initially qualify as you were dropped for arriving late. Furthermore, in taking into consideration the fitness report during the reporting period, the Board noted you acknowledged the adverse nature of the report, and in your rebuttal statement, you took full responsibility for your actions and acknowledged being late and dropped from the range. As such, the Board thus concluded that the Page 11 6105 counseling entry does not constitute probable material error or injustice warranting removal 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,

2/7/2022

