

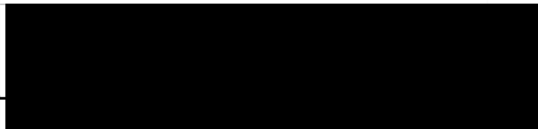


The Board concurred with the AO that the command followed Performance Evaluation System (PES) Manual guidance in processing the adverse fitness report. The Board agreed that the PES Manual does not require a certain amount of counseling for an adverse fitness report nor does it require that the Marine being reported on be relieved for cause. Moreover, the Board noted that your RS did counsel you, as documented in the Counseling Worksheet of 20 April 2019. Despite your arguments to the contrary, the Board concluded you were counseled based on the presumption of regularity. The Board noted that you did not provide any corroborating evidence to support your contentions that you did not actually receive the counseling. In addition, the Board concurred with the AO that the RS was not precluded from processing a fitness report because you submitted an EO complaint against him. There is no guidance mandating that the RS relinquish fitness report duties based upon an investigation and the Board found no conflict of interest with his actions. In making this finding, the Board considered the fact that your complaint was determined to be unsubstantiated. Moreover, the Reviewing Officer reviewed and concurred with the RS marks and comments, which provided adequate justification for the adverse attribute markings. Finally, the Third Officer Sighter properly addressed each of your contentions of factual differences. Consequently, the Board determined that the preponderance of the evidence supports a finding that the fitness report in question is administratively correct and shall remain in your official military personnel file as written.

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,

2/9/2022

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director

A black rectangular redaction box covering the contact information of the Executive Director.