



action, and a reasonable opportunity to undertake the recommended corrective action. You were afforded the opportunity to rebut the counseling, and your rebuttal was considered by the Board.

The Board noted that a Page 11 6105 counseling is given a presumption of regularity which requires you to provide sufficient evidence that the CO's decision was unjust or was materially in error. The Board determined that you provided insufficient evidence to rebut this presumption of regularity. With regards to your contention that you were punished twice for the same event, the Board took into consideration the previous Page 11 6105 counseling entry and your rebuttal statement; however, the Board determined that the Page 11 6105 is factual as to the events that occurred, and although both revolve around the same events in question, the contested entry documents specific violations to which you committed.

With regards to your contention that you were instructed to sign the contested entry or accept NJP, the Board noted you accepted responsibility for your actions and requested a counseling vice receiving NJP so that you could reenlist and retire. Therefore, the Board did not find your arguments of error persuasive. As a result, the Board determined that the entry is valid as written. The Board further determined that your CO adhered to the requirements in accordance with the Individual Records Administrative Manual, and your CO was authorized to issue the counseling entry. The Board thus concluded that the Page 11 6105 counseling entry does not constitute probable material error or injustice warranting removal from your official military personnel file. Accordingly, the Board found insufficient evidence of error or injustice to warrant relief.

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,

6/17/2022



Executive Director

Signed by: 