



material, or disciplinary action during the contested reporting period to merit the lower comparative assessment.

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 Performance Evaluation System (PES) Manual guidance. In this regard, the Board noted that you omitted any endorsement from the RO and that he is the only person that can attest to, and affirm the validity of the original Section K.3 comparative assessment marking. The Board further noted that even though you and your Reporting Senior assert that the RO marked you lower in error, the actual RO does not admit to any error. Therefore, the Board determined that your contention is lacking the necessary substantiating evidence. Finally, the Board noted that although the PES Manual suggests that the RO marking should be consistent with the RO profile, it does not preclude a deviation from the suggested guidance. Finally, there is no implied requirement in the PES Manual that constrains the RO to mirror or replicate Comparative Assessment marks from reporting period to reporting period. The Board thus concluded that your request lacks sufficient evidence of error or injustice to warrant a change to your fitness report in question. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit 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,

7/17/2022

