



in the top third, two in the middle third, and this contested report in the bottom third based on the cumulative relative value.

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 PES Manual guidance. In this regard, the Board noted you did not submit any endorsement from the reporting chain so there is essentially no evidence regarding the pertinent deliberations made by the Staff Judge Advocate (SJA) when she decided to serve as the designated RS. Essentially, you are asking to overturn a judgment call made in 2009 that has been determined to be administratively correct and procedurally complete and valid. At report processing in 2009, Headquarters Marine Corps (MMSB) dutifully considered the established reporting chain as a subset to established screening procedures, apparently without concern, and presumed the reporting chain to be valid. Further, the Board noted that a low relative value does not invalidate a report or make it unjust. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice with the 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,

7/22/2022

