



noted that the report is not adverse, so you did not have a right under the Performance Evaluation System (PES) Manual to submit a statement in rebuttal to the report. Finally, the Board concurred with the AO that the RO cannot retroactively non-concur with a processed fitness report; that the RO was authorized only to non-concur prior to report processing. Based on these factors, the Board determined that the contested report contains no material error or injustice and insufficient evidence exists to modify it. 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,

9/30/2022

