



The Board considered your contention that the Reporting Senior (RS) failed to meet the inherent duty to preserve the integrity of the Performance Evaluation System (PES) Manual by not accurately completing Sections D through H of the challenged Fitrep with appropriate marks and justification. You believe that you were doing an outstanding job and, after speaking with the career counselor, you claim that the Fitrep may have caused a non-selection to the next rank resulting in your first "pass" during the Fiscal Year 2021 Selection Board. As evidence to support your contentions, you submitted a favorable endorsement from the RS and email traffic with the Reviewing Officer (RO) in your attempt to obtain his concurrence.

The Board, however, substantially concurred with the AO and the PERB decision that, in accordance with the PES Manual, the Fitrep was procedurally correct as written and filed. In this regard, the Board determined that the RS adhered to PES Manual guidance when providing appropriate attribute markings based on his assessment of your performance at the time. Furthermore, the RS' favorable endorsement you provided, which attempts to alter the narrative as to your performance during the reporting period years later, omits any new information that was unknown at report processing. Moreover, you failed to provide any evidence beyond the RS' concurrence, that your demonstrated performance was not accurately portrayed in the contested Fitrep or to support any of your contentions above. Additionally, the Board noted that without concurring evidence from the RO, who agreed with the RS' assessment at report processing, your contentions lack merit. The Board thus concluded that your request is lacking in sufficient evidence of probable material error, substantive inaccuracy, or injustice, warranting modification of the Fitrep or removal of your FOS to CWO3. 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,

10/18/2022

