



a clear contradiction between the RS assessment of your performance at a higher rank billet and the RO's assessment that aligns with your performance in your current rank.

The Board, however, substantially concurred with the AO and the PERB decision that your fitness report is valid as written and filed, in accordance with the applicable PES Manual guidance. In this regard, the Board noted the RS and RO comments were not deemed negative or adverse in nature.

With regard to your contention that the fitness report is missing directed comments as required per the PES Manual for receipt of commendatory material, the Board noted that omission of a directed comment regarding commendatory material does not constitute grounds for substantive correction nor does it invalidate the contested fitness report. Additionally, the Board determined the error in Section A, Item 8h is considered administrative in nature and the Performance Evaluation Section (MMRP-31) of the Records and Performance Branch has the authority to make administrative corrections that are devoid of opinion and interpretive comment. The Board thus determined that you have not yet exhausted your administrative remedy by requesting MMRP-31 to make this administrative correction. Therefore, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the 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,

10/3/2023

