

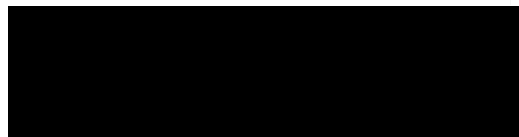


did you provide one in your application. The Board determined that the contested entry was written and issued according to the MARCORSEPMAN. Specifically, the entry provided written notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, the consequences for failure to take corrective action, and it afforded you the opportunity to submit a rebuttal. Moreover, your commanding officer (CO) signed the entry, and he/she determined that your misconduct was a matter essential to record, as it was his/her right to do. The Board determined that your CO acted properly and within his discretionary authority when determining that your misconduct warranted the page 11 entry. Moreover, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board, in making their decision, acknowledged the evidence you provided and, despite your objections, determined that the counseling entry is valid. The Board noted your date of rank to Staff Sergeant; however, determined that based on your admission of committing the misconduct, as evidenced in the Page 11 and Fitrep you provided, and lack of evidence to the contrary, there is insufficient evidence you were exonerated or to suggest that the basis of the Page 11 was erroneous, inaccurate, or unjust at the time of issuance. The Board, therefore, found your evidence insufficient to overcome the presumption of regularity in your case. As a result, the Board concluded that there is no probable material error, substantive inaccuracy or injustice warranting removal of the Page 11 from your record. 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,

9/27/2023



Executive Director

Signed by: 