



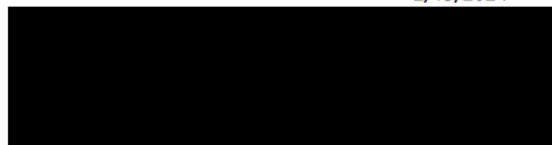
appropriate billet description through counseling of any type. You further believe the fitness report should be marked commendatory.

The Board, however, substantially concurred with the AO and the PERB decision that the fitness report was administratively and procedurally correct as written and filed, in accordance with the Performance Evaluation System (PES) Manual. In this regard, the Board determined that although the command's action constituted an administrative oversight by not issuing you a not observed fitness report due to the RS's promotion, this action did not render the challenged fitness report invalid nor constitute a modification. The Board further determined that the RS had ample amount of observation time for the reporting period, which was appropriately annotated in the reporting official's respective comments. Regarding your lack of counseling, the Board determined that counseling comes in many forms and this in of itself does not constitute an error. The Board thus concluded that your request is lacking in sufficient evidence of probable material error, substantive inaccuracy, or injustice warranting removal of the fitness report in question from your record or modification of the fitness report to "not observed." 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,

2/13/2024

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Executive Director

Signed by:

A black rectangular redaction box covering the name of the Executive Director.