



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 CO signed the entry, and he/she determined that your misconduct, which was corroborated by a command investigation, was a matter essential to record, as it was his/her right to do. Furthermore, 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 found your evidence insufficient to overcome this presumption. Thus, the Board determined insufficient evidence of error or injustice exists to warrant removal of the page 11 and associated rebuttal statement from your record.

Regarding your request for promotion to the rank of Staff Sergeant, the Board determined you provided insufficient evidence to prove that the action taken by your command was the reasoning for your ineligibility. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

With regards to the removal of your fitness report, the Board noted that pursuant to the Performance Evaluation System (PES) Manual, Marines must initially submit their request to the Manpower Management Division Records and Performance Branch (MMRP-30) and not directly to the Board for correction. The Board thus concluded that you did not exhaust all administrative remedies pursuant to PES Manual guidance, and directed that you submit your request to MMRP-30 for consideration.

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

