



he/she determined that your assignment and misconduct were 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 assignment to BCP and misconduct warranted the page 11 entries. 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 your contentions and the evidence you provided and, despite your objections, determined that the counseling entries are valid. Furthermore, although you contend you were not assigned to BCP, the Board, after reviewing your official military personnel file, noted an adverse fitness report issued to you for the period 25 March 2021 through 19 September 2021 was a result of your assignment to BCP. The Board also noted that the Third Officer Sighter, when adjudicating the differences, acknowledged the adverse nature of the fitness report and stated that you were not diagnosed with a medical condition prior to assignment. The Board therefore found your evidence insufficient to overcome this presumption. Thus, the Board concluded that there is no probable material error, substantive inaccuracy or injustice warranting removal of either page 11 entry. 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,

2/14/2024

