



to record, as it was his right. The Board thus determined, the commanding officer relied upon sufficient evidence and acted within his discretionary authority when deciding that your entry was warranted.

In regard to your contention that the ASB determined there was no basis for the Article 120, UCMJ, the Board noted that an ASB functions as an administrative rather than a judicial body. Accordingly, in the ASB's proceedings, the rules of evidence governing trials by court-martial are not applicable. Further, the Board noted the purpose of an ASB is to determine your suitability to serve on the basis of your conduct and your ability to meet and maintain the required standards of performance and does not prove one's guilt or innocence. Therefore, the Board determined that the ASB's findings do not invalidate the contested entry. The Board thus determined that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board concluded 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,

8/1/2024

