



The Board, however, substantially concurred with the AO that your evaluation report is valid and issued according to the applicable Navy Performance Evaluation System Manual (EVALMAN). In

this regard, the Board noted that the EVALMAN permits general commenting on misconduct and adverse actions against a member whenever the facts are clearly established to the Reporting Senior's (RS) satisfaction. In your case, the RS provided comments in block 43 that substantiates the 2.0 performance traits, specifically, that the report was submitted upon your reduction of rate due commanding officer's NJP for violating Uniform Code of Military Justice, Article 113.

The Board also noted that you requested reinstatement of your rank and according to the Page 13, the commanding officer approved your request and reinstated your rank to E-4 effective 27 December 2023 in accordance with MILPERSMAN 1430-020. The Board further noted that your rank was reinstated more than seven months after your NJP. The Board determined that the reinstatement of your rank is not tantamount to the setting aside of your NJP. Moreover, the Board found no evidence other than your statement that your NJP was set aside. The Board thus concluded there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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,

3/26/2025

