



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No. 06650-07
15 February 2008

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 February 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Chief of Naval Operations undated with enclosure and the Navy Personnel Command dated 26 September 2007, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinions except the recommendation, in paragraph 2.d of the advisory opinion dated 26 September 2007, to change "Oct" to "Apr" in block 43 ("Comments on Performance") of the performance evaluation report in question. In this regard, the Board was unable to find that the Physical Readiness Information Management System (PRIMS) data was correct in indicating you were excused from the October 2004 body composition assessment

(BCA) because you had been aboard less than 10 weeks, when the performance evaluation report for the period during which that BCA occurred stated you failed that BCA. The Board noted that the reporting senior was the commanding officer, who would have had to approve excusing you on the basis that you had been aboard less than 10 weeks, and presumably would have known if you had been excused. Further, even if you were, in fact, excused from that BCA, the Board found the reference to your having failed that BCA would be an immaterial error in a report that properly reflected your four consecutive physical fitness assessment failures within four years and properly assigned you adverse marks in light of those failures. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,


W. DEAN PFEIFFER
Executive Director

Enclosures