



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

SJN
Docket No: 08511-07
28 August 2008



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 26 August 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.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 6 August 2002 at age 18. You served without incident for over three years until 28 March 2006, when you were counseled about your physical fitness assessment (PFA) failures, and warned that if you failed your next PFA, administrative discharge action would occur. Unfortunately, on 12 May 2006, you failed your third PFA in a four year period.

On 9 August 2006, you were notified of pending administrative separation action due to PFA failure. You elected to waive your rights to consult counsel, submit a statement, or to request a general court-martial convening authority review.

On 28 August 2006, your commanding officer (CO) directed that you be separated from the Navy. The letter stated, in part, that you were aware of the change in policy regarding the PFA yet you made little effort to lose the weight that you were required to. Further, your CO stated that you were offered many avenues to help control your weight, but despite being given the tools, you were unable to maintain the required physical readiness standards. On 27 October 2006, you received an honorable discharge. At that time, you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code. In this regard, an RE-4 reenlistment code is authorized and may be assigned to those individuals who have shown little or no effort in maintaining the required physical readiness standards. Accordingly, 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