



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

HD:hd
Docket No. 09425-07
15 August 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.

You requested that your Physical Readiness Information Management System (PRIMS) Body Composition Assessment (BCA) data for Spring 2004, Fall 2004, Spring 2005 and Fall 2005 be corrected to reflect medical waiver. The Office of the Chief of Naval Operations (OPNAV N135) has administratively corrected the PRIMS BCA data for Spring 2004, Fall 2004 and Fall 2005 to show medical waivers, as you requested (the PRIMS BCA data also includes two entries showing you passed for Spring 2004, two showing you passed for Fall 2004 and one showing you passed for Fall 2005).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 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. In addition, the Board considered the advisory opinions furnished by OPNAV N135, dated 23 January 2008 and 3 June 2008 with enclosure, and the fax transmissions from the Board's staff dated 17 and 30 July 2008, copies of which are attached. The Board also considered your commanding officer (CO)'s letter dated 13 March 2008 with enclosures.

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 regarding the PRIMS BCA data for Spring 2005. In this regard, the Board noted your CO stated you were waived due to "VTU/IRR non-pay/non-drill status," not medical waiver. Further, the Board observed that the PRIMS BCA data for Spring 2005 shows two entries, one with no data, and the other showing you passed. The Board was unable to find a medical waiver should be reflected. In view of the above, your application for relief beyond that effected by OPNAV N135 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