



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

SJN
Docket No: 09622-07
17 November 2008

[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 13 November 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 and began a period of active duty on 17 February 2000. You served without disciplinary incident over five years until 12 January 2006, when your commanding officer (CO) issued you a counseling warning to give you the opportunity to undertake corrective action to meet the requirements for the Navy's Physical Fitness Assessment (PFA). Unfortunately, on 6 June 2006, you failed your fourth PFA in a four year period.

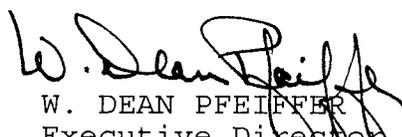
On 2 August 2006, administrative discharge action was initiated by reason of PFA failure. You then waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 10 August 2006, your CO forwarded his recommendation that you be honorably discharged due to PFA failure. You were so discharged on 21 August 2006. 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 entire period of service. Nevertheless, the Board concluded this factor was not sufficient to warrant a change in the reenlistment code due to your failure to meet the Navy's PFA requirements. In this regard, an RE-4 reenlistment code is authorized when an

individual fails his fourth PFA in a four year period. 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