



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

SMW
Docket No: 10877-07
14 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 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.

On 14 February 2005, you enlisted in the Navy at age 20. On 1 March 2005, you failed the physical fitness assessment (PFA) baseline. You were also counseled regarding the requirement to pass the PFA and warned that failure to pass it would result in being set back in training or an entry level separation. On 12 March 2005, you failed the initial PFA and you were counseled again regarding the requirement to pass it. On 8 April 2005, you failed the final PFA. On 11 April 2005, a recruit evaluation entry was made which stated that you failed the run portion of the PFA by more than six minutes.

On 15 April 2005, your commanding officer initiated an entry level separation by reason of substandard performance and conduct. In connection with this processing, you acknowledged the separation action. The separation authority subsequently approved the discharge recommendation and directed an entry

level separation by reason of substandard performance and conduct. On 21 April 2005, you were so discharged and assigned an RE-4 reenlistment code.

Regulations direct the assignment of an RE-4 reenlistment code to members who are discharged due to entry level performance and conduct. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code. 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.

The Board noted that although the Navy may not consider waiving an RE-4 reenlistment code, other branches of the armed forces such as the Army National Guard, may consider such a waiver.

Sincerely,

W. DEAN PFEIFFER
Executive Director