



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

TRG  
Docket No: 10920-07  
1 July 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 17 June 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 an advisory opinion furnished by the Navy Personnel Command, a copy of which is enclosed.

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.

You enlisted in the Navy on 11 October 1989 and then served continuously on active duty for almost 18 years. The record shows that you performed your duties in an excellent manner and were advanced to petty officer first class.

The record shows a long history of failing to meet the weight standards. A service record entry dated 11 June 2007 indicates that you weighed 298 pounds which equated to 39% body fat. This percentage indicates that you were obese. When you were informed of the command's intent to deny your reenlistment you appealed that denial to the Navy Personnel Command. In its endorsement on your appeal the command stated, in part, as follows:

...[He] has failed eight consecutive PFA's [Physical Fitness Assessments], he has been granted three consecutive extensions and six consecutive waivers from mandatory ADSEP [Administrative Separation] processing to correct his deficiency. During the most recent extension, member was informed that there would be no more extensions or reenlistment unless he reduced his body fat by 1% per month...During the...PFA conducted

07JUL12...[he] weighed in at 39% body fat, showing zero progress...[he] has been not recommended for advancement and retention on each evaluation since 05NOV15.

After review, the Navy Personnel Command declined to allow your reenlistment.

You were honorably discharged on 9 September 2007 by reason of non-retention on active duty with an RE-4 reenlistment code. At that time you had accumulated 17 years, 10 months and 29 days of active service. The record shows that you were paid separation pay.

As indicated in the enclosed advisory opinion, you were not entitled to an administrative discharge board because you were being discharged at the expiration of your enlistment. A denial of reenlistment is not considered to be administrative discharge processing.

It was clear to the Board that given your many years of difficulties in meeting the weight standards that you were on notice that you must meet the weight standards in order to continue in the Navy. Since you did not meet the standards, the Board concluded that you were properly denied reenlistment and a correction to your record to show that you retired from the Navy was not warranted.

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

Enclosure

