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

HD:hd
Docket No. 03589-08
13 February 2009

[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 12 February 2009. 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 undated advisory opinion furnished by the Office of the Chief of Naval Operations with enclosure, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

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OPNAV N135

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS (PERS-3LC2)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN THE CASE OF
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Ref: (a) 10 USC Section 1552
(b) OPNAVINST 6110.1H
(c) PRIMS Records

Encl: (1) BCNR File 03589-08

1. Sailor petitioned the Board for Correction of Naval Records (BCNR) in accordance with reference (a), to correct errors and/or remove injustices in her Physical Readiness Information Management System (PRIMS) record.
2. Sailor requested that the Physical Fitness Assessment (PFA) for Fall 2005 be changed from fail to pregnant for the Body Composition Assessment (BCA) performed on 14 October 2005 and Physical Readiness Test (PRT) performed on 28 October 2005 due to her being pregnant. Reference (3) indicates that she participated in the PFA failing both portions (BCA and PRT). Member received Pregnancy Notification dated on 14 December 2005. Reference (b), enclosure (3) page 6, paragraph 3(i)1, states that after confirmation of pregnancy by a health care provider, pregnant servicewomen shall not be required to meet PRT and BCA standards from the time the pregnancy is confirmed until 6 months following delivery.
3. Recommendation. Based on the Physical Readiness Program and evidence contained in this file, there is not substantiating evidence that the PRIMS record should be changed. Recommend no correction be made to the requested PRIMS records.
4. This is an advisory memorandum for the use of the Board for Correction of Naval Records only. Please contact Mr. Dean H. Harris at Comm: 901-874-2421/DSN: 882 for further information.


H. POUNCEY

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