



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

SMS
Docket No: 3798-08
16 January 2009



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 14 January 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.

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 31 January 2004, you reenlisted in the Navy at age 21 after a prior period of honorable service. At that time, you were serving in pay grade E-4 with a date of rank of 16 December 2001. On 10 May 2004, you were placed in a Physical Readiness Test (PRT) probationary status. During the period 20 October 2004 to 22 October 2007, you failed the cardio portion of the PRT on three occasions, and you were counseled regarding your failures. On 30 January 2008, you signed a service record entry in which you acknowledged that you were not recommended for retention due to your performance and assigned an RE-4 reenlistment code. On 30 January 2008, you were honorably discharged by reason of completion of required active service and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and contention of being unjustly discharged. Nevertheless, the

Board concluded that these factors were not sufficient to warrant changing the reason for separation or reenlistment code. In this regard, the Board found that you completed your contractual obligation and were not recommended for retention due to your performance. As such, you were discharged due to the completion of your required active service and assigned an RE-4 reenlistment code. Regulations authorize assignment of an RE-4 reenlistment code to members who are not recommended for retention. Therefore, the Board concluded that the discharge was proper as issued and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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.

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