



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

SJN  
Docket No: 09596-08  
14 August 2009

[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 11 August 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.

You enlisted in the Navy and began a period of active duty on 20 October 1993 at age 20. You served without incident for over three years and were advanced to paygrade E-4. On 15 May 1997, you were evaluated as being obese for the Physical Readiness Test (PRT) and enrolled in your command's remedial physical fitness program. Additionally, you were counseled and warned that your failure to adhere to the rules and regulations of the military could result in administrative discharge action.

On 16 June 1998, you were notified of pending administrative separation action and elected to waive the right to consult counsel, and did not object to your separation. However, you submitted a statement, stating, in part, that you did not have an eating disorder, did not wish to participate in your command's directed physical conditioning program, or any other program. Your commanding officer forwarded your case, stating, in part, that you demonstrated no initiative to comply with the rules and regulations of the military, lacked the potential for further naval service, and were a detriment to good order and discipline. Subsequently, on 28 June 1998 you were honorably discharged. At that time, you were not recommended for retention, and assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record of service, Good Conduct Medal, and post service medical issues. Nevertheless, the Board concluded these factors was not sufficient to warrant a change in the reenlistment code given the fact you failed the PRT, and did not adhere to your command's remedial physical fitness program. In this regard, an RE-4 reenlistment code is authorized when a Sailor is discharged due to PRT failure and not recommended for retention. 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