



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

SJN
Docket No: 09652-08
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.

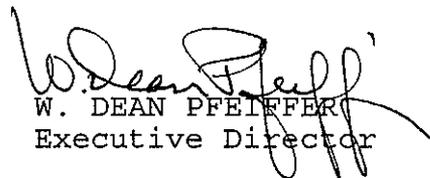
You enlisted in the Navy and began a period of active duty on 5 November 1990 at age 19. On 7 December 1992, you were counseled regarding your failure to meet physical readiness standards. At that time, it was determined that you had no medical condition that precluded you from meeting readiness standards. You were enrolled in your command's Physical Readiness Test (PRT) program Level I. Additionally, you were warned that failure to conform to the Navy's physical readiness standards could result in administrative discharge action. On 1 May 1993, you received nonjudicial punishment (NJP) for six instances of absence from your appointed place of duty (remedial PRT).

On 6 August 1993, you were notified of pending administrative separation action and elected to waive the right to consult counsel, and did not object to your separation. Your commanding officer forwarded your case, stating, in part, that despite significant counseling and assistance offered to you, your condition had not improved due to your inability to control your obesity. On 10 Aug 1993, 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 youth and overall record of service. 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 PRT. 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