



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

HD:hd
Docket No. 09797-08
3 September 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.

You requested, in effect, that the enlisted performance evaluation report for 16 March to 15 November 2006 be modified by changing the body composition entry in block 20 ("Physical Readiness") from "NS" (not within weight/body fat standards) to "MW" (medically waived); and that the Physical Readiness Information Management System (PRIMS) data for the Fall 2007 (20 December 2007) body composition assessment be changed to show medical waiver, rather than failure.

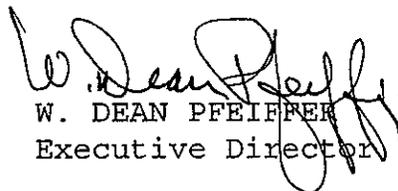
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 September 2009. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 advisory opinions furnished by the Office of the Chief of Naval Operations, dated 9 January 2008 with attachments, 19 June 2008 with attachments, 18 November 2008 and 12 May 2009, and the Navy Personnel Command, dated 10 January 2008 with attachments, and the Commanding Officer (CO), NOSC Moreno Valley letter dated

17 April 2008, copies of which are attached. The Board also considered your letters dated 19 February 2008, 21 April 2008 with attachment, 27 July 2008, undated with enclosures and 22 September 2008 and your undated fax.

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 opinions and particularly noted the letter from the CO, NOSC Moreno Valley, the reporting senior who submitted the performance evaluation report in question. 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

Enclosures