



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

SJN
Docket No: 10131-08
2 September 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 25 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 29 January 2000 at age 18. You served without incident for over five years and were advanced to paygrade E-5. On 19 October 2005, you were counseled with regard to failing your Physical Fitness Assessment (PFA). You were placed on your command's Fitness Enhancement Program, and warned that failure to meet physical readiness standards could result in administrative discharge action.

On 14 July 2006, after your third PFA failure, you were notified of pending administrative separation action. You elected to waive the right to consult counsel, and did not object to your separation. On 21 July 2006, your commanding officer forwarded your case, stating, in part, that you had shown no improvement in your body fat or physical fitness, your body fat percentage had increased, and despite participating in the command's Fitness Enhancement Program and receiving numerous counseling, had not made any progress towards complying with the Navy's physical fitness standards. Subsequently, on 27 September 2006 you were honorably discharged. At that time, you were not recommended for retention, and assigned an RE-3F reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your paygrade and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to the reason for your discharge or reenlistment code given your failure of the PFA, and not adhering to your command's Fitness Enhancement Program. Furthermore, the RE-3F code is the most favorable that may be assigned when an individual is separated due to PFA failure, and can be waived to permit reenlistment. 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