



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

SJN
Docket No: 01340-09
23 December 2009

[REDACTED]

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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 15 December 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 3 January 2001 at age 17. On 22 May 2004 you were counseled regarding your failure of the Physical Fitness Assessment (PFA). 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 remedial conditioning program until you passed two consecutive PFA's. Additionally, you were warned that failure of a third (or greater) PFA within a four year period could result in administrative discharge action. On 30 November 2004, you signed an enlisted evaluation covering the period from 16 July 2004 to 2 January 2005, not recommending you for retention due to your fourth PFA failure in a four year period. On 2 January 2005, you were honorably discharged at the completion of your obligated service 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, Good Conduct Medal, and overall record. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code given the fact you failed four PFA's in a four year period. In this regard, an RE-4 reenlistment code is

authorized when a Sailor is discharged due to PFA 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