



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

REC
Docket No: 02597-09
8 April 2010

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 April 2010. 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 19 September 1994. You failed to successfully pass three required physical readiness tests (PRT) and it was documented on your final evaluation that you were not recommended for retention. You were provided counseling and recommendations to assist you in maintaining the required standards. On 30 May 1996, administrative discharge action was initiated by reason of PRT failure. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). You were processed for an administrative separation by reason of weight control failure as evidenced by the failure to achieve prescribed readiness standards. Your commanding officer forwarded his recommendation that you be discharged with under honorable conditions by reason of physical standards. The discharge authority directed an honorable discharge by reason of physical standards. On 10 June 1995, you were so discharged at that time and received an RE-4 reenlistment code based on three failures of your required PRT's.

In reviewing your application, the Board considered all mitigating factors, such as your overall record of service. However, the Board found these factors insufficient to warrant changing your reenlistment code because of your three PRT failures. The Board noted that applicable regulations authorize the assignment of an RE-4 reenlistment code to individuals who have three PRT failures. The Board thus concluded that there is no error or injustice in your reenlistment code. 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