



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

TJR
Docket No: 4036-09
2 April 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 30 March 2010. The names and votes of the members of the panel will be furnished upon request. 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 on 3 March 1997 at age 20 and began a period of active duty. You served without disciplinary incident until 21 March 2000, when you received nonjudicial punishment (NJP) for dereliction of duty.

Your record reflects that during the period from 8 April 2002 to 15 March 2007 you were repeatedly counselled regarding your failure to meet physical readiness test standards due to physical fitness assessment (PFA) failures. During this period you were also not recommended for advancement or retention as a result of your PFA failures. In this regard, your separation performance evaluation for the period from 16 March to 21 June 2007 states, in part, that due to your failure of three PFAs in a four year period, you were being administratively separated, and that you were not recommended for advancement nor retention. However, the

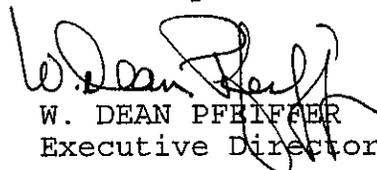
discharge authority determined that there was not enough time remaining in your current enlistment to administratively process you for separation. As a result, on 21 June 2007, at the expiration of your enlistment, you were honorably discharged by reason of nonretention on active duty and were assigned an RE-3M reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change your reenlistment code, be reinstated to active duty without a break in service and in a higher paygrade with full back pay and allowances, and to have "improper" documents removed from your record. The Board also considered the memorandum provided in support of your requests for correction of your naval record. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case. The Board concluded that your misconduct, PFA failures, and nonrecommendation for retention and advancement were sufficiently supported by the evidence of record. Accordingly, your application has been denied.

The Board suggested that you may wish to apply for a waiver of your RE-3M reenlistment code with branches of the armed forces other than the Navy.

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