



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

REC
Docket No: 08326-09
10 June 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 9 June 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.

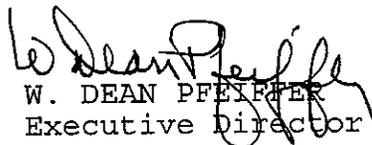
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 29 January 1997, at age 21. During 16 March 2002 to 15 March 2003, you failed to successfully pass your spring and fall required physical readiness tests (PRT's) and were provided counseling and recommendations to assist you in maintaining the required standards. On 16 March and 5 September 2003, you failed to gain your qualifications for the Enlisted Aviation Warfare Specialist and were not recommended for advancement. From 5 September 2003 to 15 March 2004, you failed to pass your spring and fall PRT's, which was documented on your evaluation that you were not within the Navy required standards for the third time. Your Commanding Officer recommended that you remain in the Navy until completion of your obligated service, and at that time you received an RE-4 reenlistment code based on three failures of your required PRT's. You were counseled an additional time and provided guidance to successfully complete the PRT and warned that you needed to pass this requirement. During the period 16 March thru 7 December 2004, you successfully passed the PRT, however, you were not recommended for retention.

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 or separation 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