



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

TJR  
Docket No: 8807-09  
16 June 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 15 June 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 reenlisted in the Navy on 18 April 1986 after four years of prior honorable service and served without disciplinary incident.

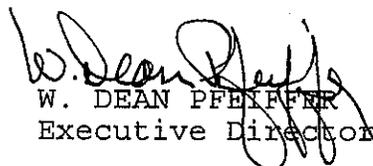
Your record reflects that during the period from 27 January to 1 August 1989 you failed to meet the physical standards of the Navy's Physical Fitness Assessment (PFA) Program in three consecutive cycles. As a result, on 17 April 1990, you were notified of an administrative separation by reason of convenience of the government due to other physical/mental condition, specifically, obesity. At that time you did not object to the separation and waived your procedural rights. Shortly thereafter, your commanding officer recommended an honorable discharge even though you failed to meet physical standards. This recommendation noted, in part, that although you had served without disciplinary incident, you were found to be unsuitable for retention due to your inability to pass physical fitness

tests. Subsequently, the discharge authority approved the recommendation and directed your commanding officer to issue you an honorable discharge by reason of convenience of the government, and on 20 April 1990, you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your overall satisfactory service, to include your prior honorable service and desire to have your RE-4 reenlistment code changed. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of your continuous failing of physical fitness tests and the nonrecommendation for retention, both of which were sufficient to support the assignment of an RE-4 reenlistment code. Finally, such a code is authorized by regulatory guidance and normally assigned to Sailors who are separated due to the convenience of the government and not recommended for reenlistment due to failure to meet physical standards. Accordingly, your application has been denied.

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