



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

BAN
Docket No: 04322-10
26 January 2011



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 20 January 2011. 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 26 August 2004, and served without disciplinary incident. However, you received five page 13 warnings for physical readiness test (PRT) failures between 2005 and 2006. In addition, you received another page 13 for four Uniform Code of Military Justice violations, including unauthorized absence, failure to obey a lawful order, willfully disobedience toward a commissioned officer, and insubordinate conduct. Therefore, you were processed for separation with an honorable discharge due to four PRT failures within a four year period. You waived all of your procedural rights, to include your right to an administrative discharge board (ADB). The separation authority approved the recommendation and on 27 December 2006, you were separated with an honorable discharge and an RE-4 reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your reentry code due to your multiple PRT failures. Furthermore, the Board found you waived your right to an ADB, your best opportunity 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