



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

TJR  
Docket No: 352-11  
21 October 2011

[REDACTED]

[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 18 October 2011. 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 14 December 2005 at age 19 and immediately began a period of active duty. About a year later, on 15 November 2006, you failed to meet the physical fitness assessment (PFA)/body composition assessment standards.

Your record contains an administrative remarks entry dated 18 April 2007 which states, in part, that you were warned regarding deficiencies in your performance and conduct, specifically driving with a suspended license and privileges and driving another person's vehicle without permission. The record further reflects two more PFA failures in June 2007 and June 2008.

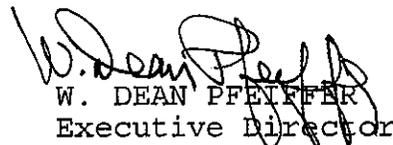
On 14 May 2009 you received nonjudicial punishment (NJP) for dereliction of duty. Subsequently, you were notified of pending administrative separation action by reason of physical standards as evidenced by your failure to meet PFA standards on three

occasions within a four year period. At that time you were not recommended for retention or reenlistment. After waiving your procedural rights, the discharge authority directed an honorable discharge by reason of physical standards and on 29 May 2009 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 youth 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 misconduct, which resulted in NJP, deficiencies in your performance, continuous failing of physical fitness tests, and the nonrecommendation for retention; all 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 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