



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 939-16
MAY 30 2017

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW NAVAL RECORD OF FORMER [REDACTED] USN,
[REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) MILPERSMAN 1910-170

Encl: (1) DD Form 149 w/attachments
(2) CNRFC ltr 5420 Ser N1/0011 dtd 6 Jan 17
(3) NPC memo 5800 Ser 91/233 dtd 31 Jan 17
(4) PRIMS PFA Listing Report dtd 7 May 15
(5) NAVPERS 1070/613 dtd 11 Jun 14
(6) NAVPERS 1070/613 dtd 12 Nov 14
(7) CO, NOSC ltr 1910 Ser N00/006 dtd 9 Jan 15
(8) Senior Mbr, ADSEP Board ltr 1910 dtd 10 Apr 15
(9) CO, [REDACTED] ltr 1910 Ser N00/084 dtd 15 Apr 15
(10) MSG 280805Z Apr 15
(11) NAVPERS 1070/613 dtd 2 May 15
(12) NAVPERS 1070/613 dtd 3 May 15
(13) CO, [REDACTED] ltr 1910 Ser N00/091 dtd 4 May 15
(14) MSG 080802Z May 15
(15) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, former enlisted member of the Navy, filed enclosure (1) with this Board requesting that his separations code be changed, that he be reinstated into the reserves, and remove any broken service.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 28 April 2017, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, his father's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, the Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. The Petitioner failed the 2013-1, 2014-1, 2014-2, and 2015-1 Physical Fitness Assessment's (PFA). The Petitioner was issued a NAVPERS 1070/613 counseling for each of the failures starting with the 2014-1 PFA. See enclosures (4), (5), and (6).

c. On 9 January 2015, the Petitioner was notified that he had been submitted for administrative separation by reason of physical fitness assessment failure. See enclosure (7).

d. On 10 April 2015, the administrative board was held and it was decided by a vote of 3-0, that the preponderance of evidence did not support separation for physical fitness assessment failure and recommended retention. See enclosure (8).

e. On 15 April 2015, the Commanding Officer (CO) notified Navy Personnel Command (NPC) of the administrative board's recommendation. On 28 April 2015, NPC stated no further action with regard to ADSEP is contemplated. NPC also stated that the Petitioner is subject to administrative separation if he fails a PFA subsequent to cycle 14-2 and possesses three failures in a four year period. See enclosures (9), (10), and (11).

f. On 3 May 2015, the Petitioner failed to meet body composition assessment standards for cycle 2015-1. On 4 May 2015, the CO notified NPC recommending the Petitioner be administrative separated by reason of physical fitness assessment failure. On 8 May 2015, NPC notified the CO to discharge the Petitioner within five working days and on 11 May 2015, the Petitioner was discharged. See enclosures (12), (13), and (14).

g. In correspondence attached as enclosures (2) and (3), the offices having cognizance over the subject matters addressed in Petitioner's application have commented to the effect that the request has partial merit and warrants partial favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (3), the Board concluded that due process was not afforded to the Petitioner and he was discharged in error due to no fault of his own and his request warrants partial favorable action.

That Petitioner's naval record be corrected, where appropriate, to show that:

RECOMMENDATION:

The Petitioner's discharge on 11 May 2015 is rescinded.

The Petitioner was placed in the United States Navy Reserve (USNR) effective 12 May 2015.
Note: Petitioner must meet medical retention standards.

The Petitioner be credited with 50 points with drill attendance (non-pay status) service credit for anniversary year 13 October 2014 to 12 October 2015 which equals 1 satisfactory year towards a reserve retirement.


The Petitioner be credited with 50 points with drill attendance (non-pay status) service credit for anniversary year 13 October 2015 to 12 October 2016 which equals 1 satisfactory year towards a reserve retirement.

The Petitioner be credited with drill attendance (non-pay status) service credit monthly from 13 October 2016 until the date of decision by the Executive Director.

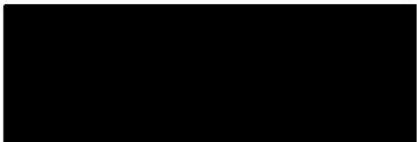
In so far as Petitioner's request for corrective action that exceeds the foregoing, the Board concurred with enclosure (2) that no drills were completed to earn any back pay, that the Petitioner was compensated for the erroneous discharge with satisfactory years towards a non-regular retirement and no action was taken on reinstatement of the GI Bill benefits.

A copy of this report of proceedings should be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.


Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


Executive Director