



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

█
Docket No: 2912-21
Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 18 October 2021. The names and votes of the panel members 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 the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the U.S. Navy on 7 August 1984 and were honorably discharged on 9 June 1988. During this enlistment, in September 1986, you were placed in mandatory physical training for failing to meet the minimum standard, specifically, running a 16:53 when the minimum allowable run score was 13:00, and for having a 26% body fat mass when the maximum allowable body fat mass was 22%. On 10 June 1988, you reenlisted for a period of six (6) years. On 7 October 1991, you received an official counseling entry for failing to meet physical standards due to being overweight. Your enlisted evaluation for the period of 2 September 1991 to 31 March 1992, documented your physical fitness was progressing as evidenced by your reduced body fat (24%). From 15 July 1992 through 5 December 1994, you received multiple counseling warnings for failing to meet minimum required physical fitness standards by being overweight. Your enlisted evaluation for the period of 31 April 1993 to 31 March 1994, again

documented your physical fitness was progressing while you were on the physical fitness remedial program. On 11 April 1994, you received a counseling entry withdrawing your recommendation for advancement because you were out of body measurement standards during the last two official semi-annual physical readiness tests. This entry was followed by two additional counseling entries regarding your being out of standards. Your evaluation for the period of 1 April 1994 to 9 March 1995, documented you were being administratively separated as a result of your weight control aftercare program failure. On 9 March 1995, you were discharged with an honorable characterization of service due to weight control failure and given a reentry code of RE-3T.

The Board carefully reviewed your application and considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to have your separation reason and reentry code changed based on your contentions that the instruction which governed your separation reason and reentry code used on your DD Form 214 is no longer applicable or recognized. The Board noted that, aside from your application, you did not submit advocacy letters or post-service documents to be considered for clemency purposes. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your separation was not unjust or in error. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

10/26/2021

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Executive Director
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