



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

JW

HD:hd
Docket No. 01713-10
18 January 2011

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

You requested that the data in the Physical Readiness Information Management System (PRIMS) be corrected to show medical waiver, rather than failure of the Physical Fitness Assessment (PFA), for cycle 1, 2004, cycle 1, 2006 and cycle 2, 2006. You further requested that your administrative separation from the Navy Reserve on the basis of three or more consecutive PFA failures in the four-year period from 2004 to 2008 be set aside, and that you be reinstated to the Individual Ready Reserve (IRR).

The attached e-mail dated 18 January 2011 from the Merchant Marine Reserve Program Manager shows you are still assigned to the IRR.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 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 and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Office of the Chief of Naval Operations

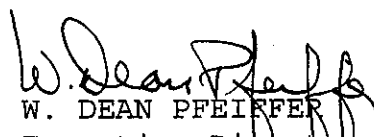
dated 7 April 2010, a copy of which is attached, and your letter dated 12 May 2010.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board noted that the PRIMS data does not reflect a PFA failure for cycle 2, 2006, but does reflect four consecutive failures, for cycle 1, 2004, cycle 2, 2004, cycle 1, 2005 and cycle 1, 2006. The Board further noted that the waiver document you provided is dated 2 April 2006, the same date as the Body Composition Assessment (BCA) you failed in cycle 1, 2006, so the Board was unable to find the waiver was in effect when that BCA was conducted. As the document showed no expiration date, the Board was unable to find it was in effect when the Physical Readiness Test you failed in cycle 1, 2006 was conducted on 8 May 2006. Since the Board found insufficient basis to correct your PRIMS data, it had no grounds to set aside any action to effect your administrative separation on the basis of PFA failures. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Your letter of 12 May 2010 requested "guidance on getting a 4-year-old waiver dated." You could contact the doctor who signed it, and ask that he submit a properly completed waiver form. You could also contact your command at the time, and ask if they have any record of a waiver.

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

Enclosure