



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

[REDACTED]
Docket No: 7612-16

NOV 28 2017

[REDACTED]
Dear [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.

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 for Correction of Naval Records, sitting in executive session, considered your application on 11 October 2017. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

You enlisted in the Navy and began a period of active duty on 16 July 2003. You served for about two years without disciplinary incident but on 10 August 2005, you received nonjudicial punishment (NJP) for unauthorized absence from your unit and failure to obey a lawful order. On 7 March 2006, you received an administrative counseling due to your failure of two command Physical Fitness Assessments (PFAs) and were advised that administrative separation processing is mandatory for all sailors who have three PFA failures in the last four year period. Although the Board lacked your entire service record book (SRB) it appears from the SRB entries that you failed a third command PFA which was annotated on your separation evaluation. Subsequently, you were notified of pending administrative separation by reason physical standards at which time you waived your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer directed your separation and on 5 January 2007, you were separated with a general characterization of service.

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. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors such as your contention that due to a change dated 1 January 2015 to the Physical Fitness Assessment standard and no punitive or administrative actions your discharge should be changed to honorable. The Board concluded these factors were not sufficient to warrant relief in your case because of your misconduct that resulted in an NJP and failure to meet and maintain appropriate physical readiness standards. In regard to your contention, your characterization is subject to the applicable statutes, regulations, and policies governing your period of active duty enlistment. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,



Executive Director