



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

[REDACTED]
Docket No. 8055-16
MAY 07 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 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 case on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 April 2017. 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.

A review of your record shows that you entered active duty with the Navy in November 1996. By September 2005, you failed four Physical Fitness Assessments within four years and were eventually recommended for administrative separation. As a result, you were discharged on 1 November 2006 for failing to meet physical standards.

The Board carefully considered your arguments that you deserve a disability discharge for physical and mental conditions. Unfortunately, the Board disagreed with your rationale for relief. First, you provided no evidence that supports your assertion that you were unfit for continued naval service due to unspecified physical and mental conditions. Second, the Board noted in your 15 March 2006 performance evaluation that you performed at or above standards in all your performance traits except for military bearing/character; which was below standards due to your inability to pass the PFA. Positive comments on your performance stated that you continued to be a skilled technician and served as assistant leader of the Command Circuit Training Sessions. This convinced the Board that, even if you were suffering from a qualifying disability, there was insufficient occupational impairment to warrant a finding of unfitness for continued naval service. Accordingly, the Board was unable to find an error or injustice

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warranting a correction to your record and denied your application. The names and votes of the members of the panel will be furnished upon request.

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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director