



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

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Docket No. 6672-24  
Ref: Signature Date

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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 September 2024. 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 and began a period of active duty on 26 March 2001. Your record documents that you had failed the run portion of the fall 2002 Physical Fitness Assessment (PFA) and the run portion of the Spring 2004 PFA. On 25 March 2005, you acknowledged that you were not eligible for reenlistment without prior approval due to your PFA failures. On 18 October 2005, you failed to meet physical readiness test standards due to another failed run. Consequently, your advancement and retention recommendation were withdrawn due to three PFA failures during the most recent four-year period. You also acknowledged that you were not eligible for reenlistment and were assigned RE-4 reentry code due to not being recommended for retention. You were so discharged at the end of your enlistment on 25 March 2006.

The Board carefully 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 change your reentry code and contend you made fitness a priority, would like to serve again, and are now an electrical engineer. For purposes of clemency and equity consideration, the Board noted you did not provide any advocacy letters or documentation describing post-service accomplishments.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your failure of three PFAs in a four-year period outweighed these mitigating factors. In making this finding, the Board considered that you were counseled repeatedly of the consequences of failing the PFA and continue to fail the run portion. Finally, absent a material error or injustice, the Board declined to summarily change a reentry code solely for the purpose of enhancing employment opportunities.

While the Board commends your priority of fitness and desire to serve your country again, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. 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,

10/1/2024

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