



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

HD:hd  
Docket No: 04514-97  
24 May 1999

LT [REDACTED] MSC USNR  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Lieutenant [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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 May 1999. 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. In addition, the Board considered the advisory opinions furnished by the Bureau of Naval Personnel dated 19 September and 3 November 1997 and 20 May 1998 with reference (b), copies of which are attached.

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. In this connection, the Board substantially agreed with the advisory opinions dated 3 November 1997 and 20 May 1998. They also found that the package you attempted to submit to the Fiscal Year 97 Medical Service Corps Lieutenant Commander Selection Board would not have materially enhanced your chances for selection. 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.

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

Enclosures

454-97



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO

1610  
Pers-312C/322  
SEP 19 1997

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: BUPERS/BCNR Coordinator (Pers-00XCB)

Subj: LE [REDACTED] USN, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests change of her promotion recommendation in her performance report for the period of 27 May 1992 to 11 January 1993.

2. Our comments:

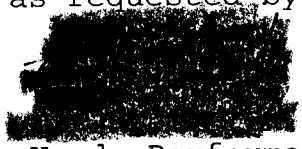
a. A review of the member's record revealed the fitness report in question. The report is signed by the member acknowledging the contents of the report and her rights in accordance with regulations.

b. The PRT contained in block 73 is M/00 indicating the member was medically waived from the entire PRT test due to a medical condition. Block 64 does not recommend the member for promotion and block 88 clearly comments on the promotion recommendation being based on PRT or bodyfat results.

c. We cannot determine if the promotion recommendation is in accordance PRT regulations in effect at the time since or if the member could have been recommendation for promotion as it appears the member may have been out of bodyfat standards on her previous two fitness reports.

d. The report is the responsibility of the officer signing as the reporting senior. The report represents the judgment and appraisal responsibility of the reporting senior for a specific period of time, and it is not required to be consistent with previous or subsequent reports.

3. We recommend comment be obtained from the Health and Physical Fitness Branch (Pers-601) on the appropriateness of the member's promotion recommendation since it is based on the member's PRT status at the time. Should it be determined that the member could have been recommended for promotion, we have no objection to change of the report as requested by the member.



Head, Performance  
Evaluation Section

4514-97



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO  
6100  
Ser 60/1396  
3 Nov 97

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (Pers-OOXCB)

Subj: LT [REDACTED] MSC, USNR, [REDACTED]

Ref: (a) BCNR File 04514-97 w/Microfiche Service Record  
(b) OPNAVINST 6110.1D

Encl: (1) FAX of [REDACTED]'s OPNAV 6110/2 (Physical Readiness  
Test (PRT) Pink folder)

1. Per reference (a), the following information is submitted for your consideration in replying to [REDACTED]'s request for changes in her official record:

a. A review of [REDACTED]'s PRT record (enclosure (1)) revealed that her 20 August 1992 body fat measurement was 35%, which was preceded by overfat measurements of 35% on 23 March 1992 and 34% on 1 November 1991. A comment placed in her Fitness Report on 11 January 1993 stated, "Measured overfat on three consecutive PRTs and could not be recommended for promotion." This is a valid statement.

b. [REDACTED] maintains that she should not have been classified as overfat because of being pregnant. The date of her Fall PRT measurement was 20 August 1992. However, per reference (a), the date of the diagnosis of her pregnancy was 10 October 1992, nearly two months later. For PRT purposes, the PRT standards are not waived retroactively for a medical condition discovered after the PRT measurements are taken. Reference (b) states that body fat assessment and PRT participation are waived from the time of the diagnosis of pregnancy forward to a time six months following delivery (or other termination of pregnancy).

2. [REDACTED] was overfat on her third measurement and PRT guidelines do not allow for retroactively waiving the body fat requirement. I find no justification for changing [REDACTED]'s overfat measurement from her 20 August 1992 PRT record or for changing the Fitness Report negative promotion recommendation.

Subj: LT [REDACTED] MSC, USNR, [REDACTED]

3. My point of contact is LCDE [REDACTED] Pers-601, at  
DSN [REDACTED]

[REDACTED]

Director, Navy Drug and Alcohol,  
Fitness, Education and  
Partnerships Division (Pers-60)

4514-97



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO  
5420  
Ser 85/082  
MAY 20 1998

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: [REDACTED] MSC, USNR [REDACTED]

Ref: (a) Pers-312c memo of 19 September 1997  
(b) Pers-60 memo of 27 February 1998

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending denial of [REDACTED] request for removal of her failure of selection before the FY97 LCDR Medical Service Corps Promotion Selection Boards.

2. Modification of [REDACTED] fitness report for the period of 27 May 1992 to 11 January 1993 has been addressed by reference (a) and reference (b).

3. [REDACTED] assertion that her correspondence to the FY97 LCDR Medical Service Corps Promotion Selection Board was not presented to the board is correct. LT [REDACTED] correspondence was received by Pers-26 on 16 May 1996. The board convened on 6 May 1996. Per SECNAVINST 1420.1A, an eligible officer's correspondence must be received prior to the board convening date in order to be admissible. [REDACTED] request to remove her failure of selection on the basis of her correspondence not reaching the board is without merit.

4. The specific reason why [REDACTED] failed to select before the board is not known. However, modification of the fitness report in question, as requested by [REDACTED], would change the competitiveness of her record. As in reference (a), this response is submitted conditionally. This office can not speak to the appropriateness of the member's promotion recommendation as it was based on her PRT status. Should BCNR choose to modify her promotion recommendation in the subject fitness report, recommend removal of her failure of selection.

[REDACTED SIGNATURE]

BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO  
6100  
Ser 60/0215  
27 Feb 98

MEMORANDUM FOR SPECIAL ASSISTANT CONGRESSIONAL LIAISON OFFICE  
(PERS-OOXC)

Subj: CONGRESSIONAL INQUIRY QUESTION ICO [REDACTED]  
MSC, USNR, [REDACTED]

Ref: (a) Your ltr 5420 Pers-OOXCB of 18 Feb 98  
(b) OPNAVINST 6110.1D

1. In response to reference (a), the following information is provided:

a. Reference (b) is clear on the issue of timing of the pregnancy diagnosis and when a member is waived from the body fat measurement requirement. Enclosure (3) paragraph (4), of reference (b) states: "Pregnancy: After confirmation of pregnancy, a pregnant member shall be exempt from the regular Physical Readiness Program and Physical Readiness Testing (PRT). The body fat assessment is waived from the time of the diagnosis of pregnancy and for six months following delivery" (emphasis on specific words is mine).

b. Infants considered full term have a gestational age of 38-42 weeks. [REDACTED] delivery of a full term infant on 26 May 1993 (assuming an average gestational age of 40 weeks) suggests a date of conception of 2 September 1992. She was either not yet pregnant or had been pregnant for less than two weeks on her 20 August 1992 PRT weigh-in. The average weight gain during the entire first trimester (the first 13 weeks of pregnancy) is 2-4 pounds of body weight; therefore, it is unrealistic to conclude that [REDACTED]'s pregnancy had any bearing on her failure to meet the Navy's body fat standards. On 20 August 1992, [REDACTED] weighed 176 pounds, which is 16 pounds above the maximum allowable weight (160 pounds) for her height of 64 inches. Further, the maximum allowable body fat for women is 30 percent, and [REDACTED] was measured at 35 percent. Based on documentation provided by the member, there appears to be no justification to change her record.

2. My point of contact is [REDACTED] Pers-601, at [REDACTED]



Director, Navy Drug and Alcohol,  
Fitness, Education and Partnerships  
Division (Pers-60)