



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

HD:hd
Docket No: 03304-03
4 August 2003

NC1 [REDACTED] USN
[REDACTED]
[REDACTED]

Dear P [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 31 July 2003. 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 opinion furnished by the Navy Personnel Command dated 29 May 2003, a copy of which is attached. The Board also considered your letter dated 14 July 2003.

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 concurred with the comments contained in the advisory opinion. The Board was unable to find the information in your Physical Readiness Information Management System record was erroneous. The Board recognized that your detachment performance evaluation report for 16 November 2001 to 20 May 2002 stated you were the "Admin [Administrative] Department's Sailor of the Year." However, this did not convince the Board that the contested entries were invalid, noting that their date, 22 May 2001, was before the period of the report. Finally, concerning your contention that the entries were submitted without your knowledge, the Board noted that they show you refused to sign. 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

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-65
29 MAY 2003

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
NO. [REDACTED] USN, [REDACTED]

Encl: (1) BCNR Case File 03304-03

Ref: (a) OPNAVINST 6110.1F

1. Enclosure (1) is forwarded with comments and recommendations based on guidance contained in ref.(a). [REDACTED] requests that two NAVPERS 1070/613 documents, dated 22 May 2001 for the Spring 2001 Physical Fitness Assessment (PFA) cycle failure, be removed from his service record.

2. Do not concur with the request to remove the NAVPERS 1070/613 from the record. [REDACTED] requests this action based on his statement that he did not fail any portion of the Spring 2001 PFA cycle. Petty Officer [REDACTED] supports his statement that he successfully completed the Spring 2001 PFA with two evaluations, which display "P/WS" (passed within standards), in Block 20. He further supports his position with his statement that he was nominated for USS Nassau's Sailor of the Year and documentation that he was screened for instructor duty.

3. The Physical Readiness Information Management System (PRIMS) is the official record for PFA data. Petty Officer [REDACTED] PRIMS record displays a failure for Body Composition Assessment (BCA), for the Spring Cycle 2001. The date of the BCA was recorded as 17 May 2001. His height was entered as 74 inches his weight at 249 pounds, neck measurement was 17 inches and his waist measurement was 40 inches. His body fat was computed at 23 percent. Maximum acceptable age adjusted body fat percentage for [REDACTED] for this cycle was 22 percent. Petty Officer [REDACTED] BCA was again recorded at 23 percent on his next BCA taken on 15 November 2002. Since he was 40 years old at the time he was at the maximum allowed body fat for his age. The NAVPERS 1070/613 dated 22 May 2001, which documents the BCA failure, for Spring 2001 matches the data recorded in PRIMS. [REDACTED] PRIMS record displays an increasing body weight trend. The last

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF [REDACTED] USN, [REDACTED]

weight record in PRIMS for Petty Officer [REDACTED] is 275 pounds, which places him over the height weight standards by 59 pounds.

4. Petty Officer [REDACTED] also disputes the NAVPERS 1070/613, dated 22 May 2001 that documents a failure in the Spring 2001 Physical Readiness Test (PRT) for not performing the minimum number of push ups. PRIMS records document [REDACTED] as completing 23 pushups, the minimum required for a pass is 31. The NAVPERS 1070/613 and the PRIMS records agree. Petty Officer [REDACTED] performed 29 pushups on his next PRT, 18 November 2002; the minimum for his age group in this cycle was 24 pushups.

5. Petty Officer [REDACTED] submits two evaluations for the periods 16 November 2000 - 15 November 2001 and 16 November 2001 - 20 May 2002 to document his statement that he had not failed any portion of the Spring 2001 PFA. The evaluation that includes the Spring 2001 PFA is 16 November 2000 - 15 November 2001. This evaluation reports that the member passed the PFA during the reporting period by the code "P/WS" in block 20. This evaluation conflicts with the PRIMS record. Petty Officer [REDACTED] states that if he had failed the PFA, during this period, he would have received a "2.0" in military bearing. This statement is incorrect, ref (a) does not require a "2.0" in military bearing for the first PFA failure. Petty Officer [REDACTED]'s PRIMS record displays a lack of PFA participation from 17 May 2001 to 18 November 2002. There appears to be an 18-month gap in PFA performance by [REDACTED]. There is no record of PFA performance during the evaluation period of 16 November 2001 - 20 May 2002. Ref (a) requires that block 20 record the most recent PFA during the reporting period. Based on the PRIMS record Block 20, for this evaluation, should read "N/XX" (not tested/not measured). The narrative for the evaluation should have contained remarks on why the member was not tested. Petty Officer [REDACTED] statement that he was nominated as the USS Nassau's Sailor of the year is not supported by documentation. His screening for instructor duty conflicts with the PRIMS record and the NAVPERS 1070/613s.

6. PRIMS record and the NAVPERS 1070/613s document a failure by [REDACTED] on the Spring 2001 PFA for being over the body composition standards and performing less than the minimum number of pushups on the PRT. Petty Officer [REDACTED]'s record of PFA performance indicates a continual increase in body weight and low performance on the push up portion of the PRT. The

