



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

HD:hd
Docket No. 05527-07
14 February 2008

[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.

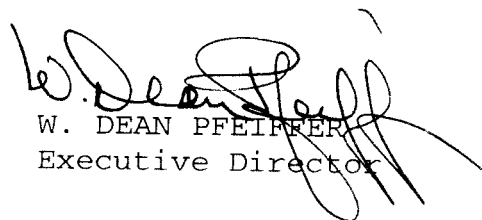
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 February 2008. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 Office of the Chief of Naval Operations undated with enclosures and the Navy Personnel Command dated 6 September 2007, 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 concurred with the comments contained in the advisory opinions except to note, concerning paragraph 2.e of the advisory opinion dated 6 September 2007, that selection boards do not disregard the information on an original fitness report to which a supplemental letter has been added. Further, the Board noted that the body composition assessment (BCA) in question was conducted on 6 May 2005, whereas you contend you became pregnant

on or about 15 May 2005, after the BCA had been conducted. Finally, the Board noted that the contested fitness report would appear to have an error in your favor, in that it does not reflect the physical readiness test failure of 6 November 2004 shown in the Physical Readiness Information Management System (PRIMS) data enclosed with the undated advisory opinion. 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