



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

REC
Docket No: 01966-09
10 December 2009

[REDACTED]

[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 9 December 2009. 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.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.


You enlisted in the Navy and began a period of active duty on 9 July 2001, at age 18. On 10 June 2002, you failed to successfully pass your required physical readiness test (PRT) and were provided counseling and recommendations to assist you in maintaining the required standards. On 23 July 2003, you were counseled an additional time and provided guidance to successfully complete the PRT and warned that you needed to be within body fat standards. On 12 July 2004, you were counseled for a third time for not being within the required Navy standards for physical fitness assessment (PFA) and it was documented on your evaluation that you were not recommended for retention. Your Commanding Officer recommended that you remain in the Navy until completion of your obligated service, and at that time you received an RE-4 reenlistment code based on three failures of your required PFA's.

In reviewing your application, the Board considered all mitigating factors, such as your overall record of service. However, the Board found these factors insufficient to warrant changing your reenlistment code because of your three PFA

failures. The Board noted that applicable regulations authorize the assignment of an RE-4 reenlistment code to individuals who have three PFA failures. The Board found that you had reached service limitations for pay grade E-3 as well. To be recommended for reenlistment, a Sailor must be serving in pay grade E-4, or have passed the E-4 advancement examination and be recommended for promotion and retention. The Board thus concluded that there is no error or injustice in your reenlistment code. Accordingly, 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