



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

TAL
Docket No: 02649-09
14 December 2009

[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 3 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 17 March 1993 at age 20. On 8 May 1995, you failed your command's physical readiness test (PRT). On 24 October 1995, you failed the command PRT. On 14 March 1996, you received nonjudicial punishment for disrespect toward a petty officer. On 9 December 1996, you failed the command PRT for the third time in a four year period. Additionally, you were counseled and warned that your failure to adhere to the rules and regulations of the military could result in administrative discharge action. On 23 January 1997, you were notified of pending administrative separation action. You waived your rights to consult counsel and to submit a statement. Your commanding officer directed your separation. Subsequently, on 24 January 1997 you were separated with an honorable discharge and given an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant changing your reenlistment code. In this regard, an RE-4 reenlistment code is authorized when a Sailor is discharged due to PRT failure. 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 PREIFFER
Executive Director