



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

TJR
Docket No: 2633-10
26 January 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 19 January 2011. The names and votes of the members of the panel will be furnished upon request. 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 on 28 February 2005, immediately began a period of active duty, and served without disciplinary incident. Subsequently, you were released from active duty and transferred to the Naval Reserve in a Ready Reserve status.


Your record reflects that in 2006 you were diagnosed with a medical injury, illness, or condition that required treatment, and were subsequently placed in a "Temporary Not Physically Qualified (TNPQ)" status. As a result, on 12 December 2006, you were advised that you were obligated to provide monthly progress updates while in a TNPQ status. You were also advised that failure to comply with this requirement could result in an administrative separation by reason of unsatisfactory participation in the Ready Reserve.

On 9 March 2007 your commanding officer recommended an administrative separation by reason of unsatisfactory participation in the Ready Reserve due to failure to maintain medical readiness as evidenced by noncompliance with TNPQ status update requirements. Subsequently, you were notified of the foregoing pending action, and that you were not recommended for reenlistment or reaffiliation. The record reveals that you did not appeal this action and as such accepted the separation. On 7 December 2007 the discharge authority approved the recommendation for separation and the nonrecommendation for reenlistment or reaffiliation. The discharge authority directed your commanding officer to separate you under honorable conditions by reason of unsatisfactory participation in the Ready Reserve, and in December 2007, you were so separated.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your desire to change your reenlistment code or reaffiliation status so that you may pursue a career in the Army. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code or reaffiliation status, specifically, your nonrecommendation for reenlistment due to your failure to maintain medical readiness while in a TNPQ status. In the absence of any evidence that your nonrecommendation for reenlistment was in error, the Board assumed that sufficient evidence existed to support the discharge authority's decision. Accordingly, your application has been denied.

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