



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 8074-98

26 October 1999



Dear [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 19 October 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Naval Reserve on 8 August 1992. The record shows that at the end of the anniversary year on 23 February 1996 you had completed 15 years of qualifying service for reserve retirement. On 14 October 1996 you were dropped from a drilling status and were placed in "records review" because of three physical readiness test (PRT) failures.

On 14 January 1997 you were notified of separation processing by reason of the three PRT failures in a four year period. On 16 February 1997 an administrative discharge board (ADB) found that you had failed the three PRT on three occasions and recommended separation from the Navy, but further recommended that the discharge be suspended for six months. In his forwarding letter, the commanding officer disagreed with the recommendation for suspension and stated, in part, as follows:

... Regrettably, however, (his) failure to pass this third PRT cycle and his testimony to the (ADB), do not reflect the level of performance expected of a member of his seniority and experience. It is most disappointing that although (he) was fully aware that

he had already failed the PRT on two separate occasions, he told the (ADB) that "when he checked his service record and saw only one page 13 instead of two, he did not think they documented the second failure so he thought if he failed again it would not harm him...". This disregard for Navy policies and Core Values is difficult to accept. Additionally, he believes that he should be given a second chance in that all he "...is asking for is to be waived from the whole thing and be retained." As exemption of this nature constitutes a major compromise of the program and three fully documented instances that (he) failed to comply with the PRT standards. As a result of this, it is my belief that a favorable ruling is not warranted in this instance. ...

After review, the discharge authority directed an honorable discharge. You were so discharged on 23 June 1997.

In your application you state that you were treated more severely than others in your command with three PRT failures who were retained in the Naval Reserve. You contend that there is confusion in the record because some documentation states that you were being discharged because of a weight problem and other documentation states that you were being discharged due to a failure of the run portion of the PRT. Finally, you contend that your many years of excellent service were not properly considered when the decision was made to discharge you from the Naval Reserve.

In reaching its decision, the Board noted that there is no evidence in the record, and you have submitted none, to show that you were treated differently than others in your situation. The record clearly shows that you were on notice that a third failure of the run portion of the PRT could lead to discharge processing, and you apparently took no action to comply with the requirements. The Board concluded that your discharge by reason of PRT failure was proper and no change was warranted.

The Board noted that if you are now able to pass the PRT, you should apply to a Naval Reserve recruiter for a waiver to allow reenlistment. However, the decision whether to approve such a waiver is solely within the discretion of recruiting authorities.

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