



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

MEH:ddj
Docket No: 3963-99
5 October 1999

[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 5 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. In addition, the Board considered the advisory opinion furnished by CNO memorandum 5420 SER N130D/157-99 of 30 August 1999, a copy of which is 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 opinion. 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

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO
5420
Ser N130D/ 157-99
30 Aug 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (NPC-00ZCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF GERALD M.
[REDACTED]

Ref: (a) DOD 7000.14-R, Financial Management Regulation
(b) MILPERSMAN
(c) U.S. Code Title 37 §308
(d) OPNAVINST 1160.6A

Encl: (1) BCNR File #03963-99 with microfiche service record

1. The following provides comment and recommendation on Mr. Loffreda's petition.

2. Former [REDACTED] requests repayment of Selective Reenlistment Bonus (SRB) recouped at his discharge. Mr. Loffreda alleges he was involuntarily separated from the Navy and that his SRB was wrongfully recouped. N130 recommends deny Mr. Loffreda's petition.

3. On 31 August 1998, then [REDACTED] was honorably discharged from the Navy with the Separation Program Designator (SPD) code 'LFT', defined as failed to meet established minimum physical readiness (PRT) standards. Petty Officer Loffreda's service record documents that while he was an outstanding Sailor, he failed to meet physical readiness standards three times in a four year period; 9501 (Oct 94), 9502 (April 95), and 9802 (April 98). Following his third PRT failure, Navy processed him for administrative discharge with the reenlistment classification code "RE-3F" (eligible to reenlist except for disqualification due to failed PRT). [REDACTED] lack of initiative to comply with established physical readiness standards (a voluntary action on his part) made him unfit for further Naval service, and resulted in his discharge. Reference (a) (section 090403, subparagraph 'n') states that discharge for convenience of the government relating to overweight/obesity or physical fitness is reason for recoupment of reenlistment bonus. Reference (b) states that determination of recoupment will be made as directed by the Chief of Naval Personnel in cases of

