



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

CRS
Docket No: 7895-07
8 May 2008

[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 30 April 2008. 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 enlisted in the Navy on 20 July 1988. You were honorably discharged by reason of homosexuality on 4 February 1993 based on your admission to your commanding officer that you were a homosexual. You were assigned a reentry code of RE-4.

The Board did not accept your unsubstantiated contention to the effect that you developed posttraumatic stress disorder (PTSD) as a result of being homosexually assaulted, which in turn caused you lie to your commanding officer about your sexuality in order to escape from an intolerable situation. There is no evidence in your naval record which demonstrates that you suffered from PTSD, and you have not provided any. The Board concluded that you lied in 1993 in order to effect your discharge from the Navy, or that you lied in your application in order to obtain a more favorable reentry code.

Directives that were in effect in 1993 required the assignment of an RE-4 reentry code to a Sailor discharged by reason of homosexuality. Accordingly, and as you have not demonstrated that it would be in the interest of justice to assign you a more favorable code as an exception to policy, the Board was unable to

recommend corrective action in your case.

In view of the foregoing, 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