



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

SJN  
Docket No: 07248-08  
16 June 2009

[REDACTED]

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 10 June 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.

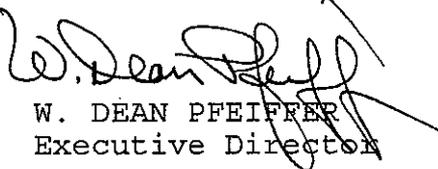
You enlisted in the Navy on 27 July 2005 at age 18. On 24 April 2006, you requested medical attention seeking help coping with your sexual orientation. You received a full psychological evaluation, and it was recommended that you be administratively separated from the service after admitting your homosexual orientation, which suggested that you had a propensity to engage in such acts.

On 28 April 2006, administrative discharge action was initiated by reason of homosexuality. You waived the rights to consult counsel, submit a statement or have your case heard by an administrative discharge board. Your case was forwarded to the separation authority and on 15 August 2006, it was directed that you be separated from the service. On 27 August 2006, you were honorably discharged by reason of homosexuality. At that time you were assigned an RE-4 reenlistment code.

The Board noted that applicable regulations require the assignment of an RE-4 reenlistment code to individuals who are separated by reason of homosexuality. The Board thus concluded that there is no error or injustice in your reenlistment code. Concerning your contention of being abused, the Board noted that there is no evidence in your record, and you submitted none to support it. 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