



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

CRS  
Docket No: 9690-08  
5 January 2009

[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 3 December 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 served on active duty in the Navy from 26 September 2005 to 13 July 2007, when you were discharged by reason of homosexuality, with an honorable discharge. You were assigned a reentry code of RE-4, as required by governing directives.

As your present reentry code is correct, and you have not demonstrated that it would be in the interest of justice for the Board to assign a more favorable code as an exception to policy, there is no basis for granting your request. The Board could not determine if you lied about your homosexuality to procure a discharge, or if you lied in your application. In either case, relief is not warranted because an individual who procures a discharge by fraud should not benefit from the fraud when it is revealed by her. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider whether your reason for separation should be changed, since you did not ask for such consideration and you have not exhausted your administrative remedies by applying to the Naval Discharge Review Board (NDRB). You may do

so by submitting the attached DD Form 293 to the NDRB.

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