



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

CRS  
Docket No: 1316-08  
22 August 2008

[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 13 August 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.

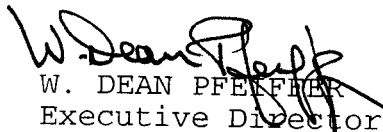
The Board found that you enlisted in the Navy on 28 September 1995. On 23 October 1997 you made a written statement that you were homosexual and considering becoming engaged to another male. On 21 November 1997 you were honorably discharged by reason of homosexual acts and assigned a reentry code of RE-4, as required by governing directives.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contention that you lied about being a homosexual. The Board could not determine if you lied about being homosexual to procure a discharge, or if you lied in your application. In either case, relief in the form of **CH** changing your RE-4 reentry code is not warranted because an individual who procures a discharge by fraud should not benefit from the fraud when it is revealed by him. 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 PFEFFER  
Executive Director