



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX

WASHINGTON DC 20370-5100

REC

Docket No: 11662-09
12 August 2010

[REDACTED]

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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 11 August 2010. 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 and began a period of active duty on 1 February 1967, at age 21. In your pre-enlistment paperwork, you failed to disclose the fact that you had engaged in sexual activity with a person who was of the same gender sex. On 16 May 1967, you confessed to having a sexual relationship with a male prior to your enlistment. However, since you failed to disclose this important information on your in-processing paperwork, this is considered fraudulent enlistment. It was determined that your lack of properly disclosing this information warranted assigning a reenlistment code of RE-4 for fraudulent entry into the military. On 6 October 1967, you were discharged with a general discharge due to fraudulent enlistment.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the characterization of service or reenlistment code, which was based on your fraudulent entry. In this regard, an RE-4 reenlistment code is appropriately assigned when an individual is discharged for fraudulent entry and is not recommended for retention.

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