



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

TJR
Docket No: 7612-10
27 May 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 24 May 2011. The names and votes of the members of the panel will be furnished upon request. 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 16 February 2004 at age 19 and served without disciplinary incident. About three months later, on 7 May 2004, you submitted a written statement regarding your homosexuality and expressing your desire to be separated from the Navy. Subsequently, you were processed for an administrative separation. At that time you did not object to or submit a statement of rebuttal to the separation. Your commanding officer recommended you be separated with a general discharge. However, on 27 May 2004, the discharge authority approved the separation, but directed your commanding officer to issue you an honorable discharge and to assign you a RE-4 reenlistment code.

On 22 June 2004, while serving in paygrade E-2, you were honorably discharged. At that time you were not recommended for retention or reenlistment and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to change your reenlistment code so that you may reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of your nonrecommendation for retention. Further, the Board concluded that your limited period of service of less than five months while serving in paygrade E-2 and your nonrecommendation for reenlistment were sufficient to support the assignment of an RE-4 reenlistment code, which is authorized by regulatory guidance. Accordingly, your application has been denied.

The Board suggested that you may wish to apply for a waiver of your RE-4 reenlistment code with branches of the armed forces other than the Navy.

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