



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

TJR
Docket No: 4961-01
8 November 2001

[REDACTED]

Dear [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 7 November 2001. 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.

The Board found you reenlisted in the Navy on 25 June 1993 after four years of prior honorable service. Your record reflects that you continued to serve without disciplinary incident. However, it appears that you submitted a written statement in which you admitted to participating in homosexual activities.

Subsequently, you were processed for an administrative discharge by reason of homosexual admission. On 9 November 1993 the discharge authority directed an honorable discharge by reason of homosexual admission, and on 19 November 1993 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your naval record, although incomplete, and application, carefully weighed all potentially mitigating factors, such as your prior honorable service. The Board also considered your contention that because you disclosed facts about your sexual preference, you were poorly judged and assigned an RE-4 reenlistment code. However, the Board concluded these factors and contention were not sufficient to warrant a

change in your reenlistment code. Further, such a code is mandatory when an individual is separated by reason of homosexual admission. Given all the circumstances of your case, the Board concluded your reenlistment code was proper and no change is warranted. 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