



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

TRG
Docket No: 2899-00
23 February 2001



Dear [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 21 February 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, 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 was unable to obtain your service record and conducted its review based on the documentation from the record that you submitted.

The available records shows that you enlisted in the Navy on 1 October 1980. You then served without incident for about three years. During this period, on 16 December 1983, you were advanced to SK2 (E-5). In the performance evaluation for the period 7 December 1983 to 10 April 1984 you were assigned marginal marks of 3.2 in the categories of initiative and reliability. The evaluation comments state, in part, as follows:

... her "short-timer" attitude has seriously hampered the smooth operation of the supply function. ... with the proper attitude and increased self-motivation (she) could have become an excellent independent duty storekeeper and a positive asset to this command. Due to the character of her separation she cannot be recommended for retention in the Naval service.

The documentation setting forth the facts and circumstances which

led to your discharge are unknown and you have not provided a copy of your DD Form 214. However, it appears that you were honorably discharged on 10 April 1984. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In your application you state that you should not have been discharged because of your sexual preference and there was a violation of the "Don't ask, don't tell policy". As indicated, the documentation to support your discharge processing is unavailable. However, if an individual is discharged under current regulations for homosexual conduct, an RE-4 reenlistment code is required. The Board concluded that the final adverse performance evaluation was sufficient to support the assignment of the RE-4 reenlistment code. 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