



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

TRG
Docket No: 4090-01
14 February 2002

[REDACTED]

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 12 February 2002. 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.

You enlisted in the Navy on 30 July 1999 at age 17. You successfully completed initial training and entered into the nuclear power training program. Subsequently, you made a statement admitting that you were homosexual or bisexual.

Based on your admission, you were processed for an administrative discharge because your admission created a rebuttable presumption that you would engage in, attempt to engage in, would have a propensity to engage in, or intended to engage in homosexual acts. In connection with this processing, you elected to waive your procedural rights. Subsequently, the discharge authority directed discharge and you were issued an honorable discharge on 19 October 2000. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

You claim in your application that your statement concerning homosexuality is no longer valid. You desire a change in the reenlistment code so that you can reenter the nuclear power program. However, regulations require the assignment of an RE-4 reenlistment code when an individual is discharged because of homosexual admissions. Since you have been treated no

differently than others discharged for that reason, the Board could not find an error or injustice in 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