



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

REC
Docket No: 03852-10
28 January 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 26 January 2011. 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 22 September 2000, at age 26. On 4 April 2001, you admitted to a medical staff member that you had a desire to inform your chain of command that you were a homosexual. On 16 April 2001, you submitted a written statement to your commanding officer, acknowledging that you were being administratively discharged by reason of homosexuality as evidenced by your own admission. You then elected to waive the rights to consult counsel, submit a statement or have your case heard by an administrative board.

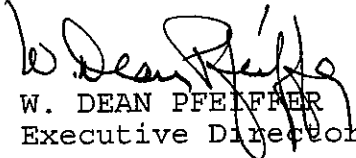
On 23 April 2001, your commanding officer forwarded his recommendation to discharge you by reason of homosexuality with an honorable discharge. On 24 April 2001, the discharge authority directed that you be separated with an honorable discharge by reason of homosexual conduct admission and assigned a reentry code of RE-4. You were so discharged on 27 April 2001.

The Board, in its review of your entire record, carefully weighed all potentially mitigating factors, such as your record. Nevertheless, the Board concluded these factors were not sufficient to warrant changing your narrative reason for separation or reentry code, given your homosexual admission. The Board also concluded that you received the benefit of your

bargain with the Navy when you were discharged at your request. The Board concluded your discharge was proper as issued and that 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