



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

ELP  
Docket No. 1043-01  
23 July 2001

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 Navy Records, sitting in executive session, considered your application on 19 July 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 9 October 1961 for four years at age 19. The record reflects that you were advanced to CTSN (E-3) and served without incident until 21 February 1963 when a Royal Air Force (RAF) noncommissioned officer (NCO) made a statement to a criminal investigator alleging that on the evening of 12 February 1963, after both of you had been drinking, you made inappropriate advances toward him by putting your hand on his crotch and undoing his trousers while he was driving you back to your hotel. He stated that you acted drunk and he got lost from the directions you gave him to the hotel. However, after he got back on a road he recognized, he told you he was lost and asked you to drive since you knew where the hotel was. You agreed and when you got out of the car to take the wheel, he drove off and left you.

On 9 April 1963 you made a voluntary statement to the effect that you had engaged in homosexual activity prior to service but had

not done so since your enlistment. You stated that the recent incident was the result of drinking.

On 17 April 1963 a medical officer advised the commanding officer that he had seen you on numerous occasions in the past six months, and you had improved your emotional stability until you were told your security clearance was being revoked. The medical officer opined that you were not a homosexual even though you had homosexual tendencies.

Thereafter, the commanding officer recommended separation by reason of unsuitability with an honorable discharge due to your otherwise excellent record. On 29 April 1963 an enlisted performance evaluation board convened in the Bureau of Naval Personnel and recommended a general discharge by reason of unsuitability. The Chief of Naval Personnel approved the recommendation and you were so discharged on 20 May 1963.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, regret for the actions which led to your discharge, and the fact that it has been more than 37 years since you were discharged. The Board noted your contentions to the effect that for unknown reasons you were unjustly accused by the RAF NCO, had been drinking heavily that evening, were discharged because you admitted to homosexual and bisexual tendencies, and were told that the general discharge would be upgraded after six months.

The Board concluded that the foregoing factors and contentions were insufficient to warrant recharacterization of your discharge. In this regard, the Board was aware of the significant changes in the policy governing the characterization of service for those discharged due to homosexual actions. However, the alleged homosexual conduct of which you were accused falls within at least one of the aggravating factors set forth in current regulations. Specifically, the RAF NCO did not consent to your homosexual advances. The Board concluded that you were fortunate to receive a general discharge since even under current standards, you could have received a discharge under other than honorable conditions. There are no automatic provisions for upgrading a discharge and even if you were advised to the contrary, that does not provide a valid basis for recharacterizing service. The Board thus concluded that the discharge 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