



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

CRS  
Docket No: 6003-05  
24 November 2006

[REDACTED]

[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 15 November 2006. 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 Marine Corps on 23 October 1953. The record reflects that you received two nonjudicial punishments and were convicted by a special court-martial. Your offenses included unauthorized absences totaling 27 days, violation of a lawful general regulation, and breaking restriction on two occasions. Subsequently, you made a sworn statement that you accepted money from other individuals to perform homosexual acts.

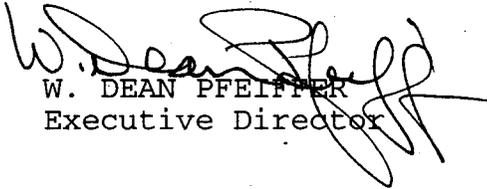
On 27 December 1955 your commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness due to homosexuality. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation was approved and on 20 March 1956 you were discharged with an undesirable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth. However, the Board concluded that these factors were not sufficient to warrant

recharacterization of your discharge. In this regard, the Board noted that current policy provides that the characterization of service for individuals discharged due to homosexuality will not normally be under other than honorable conditions. Nevertheless, such a characterization is authorized for individuals such as yourself who commit homosexual acts for compensation. Therefore, the Board concluded that no change to the discharge 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