



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

CRS
Docket No: 3077-07
21 April 2008



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 16 April 2008. 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.

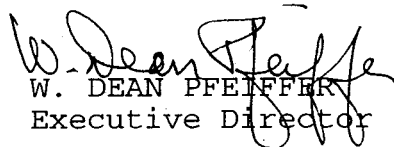
The Board found that you enlisted in the Navy on 31 March 1964. You received four nonjudicial punishments and were convicted by a summary court-martial. The offenses included insubordination, underage drinking, dereliction of duty, fighting, and an unauthorized absence of 12 days. On 18 December 1964 you made a sworn statement in which you admitted that you had committed homosexual acts prior to enlisting and also at recruit training in a clothing drying room in public view. On 25 January 1965 your commanding officer recommended that you be separated from the Navy by reason of unfitness, with an undesirable discharge. You were discharged on 4 May 1965 in accordance with the approved recommendation of your commanding officer.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth at the time in question, good post service conduct, and the contention that you had an alcohol problem while you were on active duty. The Board concluded that those factors were insufficient to warrant recharacterization of your service, given your extensive disciplinary record and commission of a homosexual act in public view. The Board noted that current policy provides that the characterization of service for individuals discharged for

homosexuality will not normally be under other than honorable conditions; however, such a characterization is authorized for individuals who commit homosexual acts on a military base and in public view, as you did. In addition, the Board was not persuaded that your alcohol problem significantly extenuated or mitigated your misconduct. 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