



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

CRS  
Docket No: 3269-07  
1 May 2008

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 30 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 Marine Corps on 26 February 1960. You were convicted by two special courts-martial of unauthorized absences totaling 144 days. On 15 October 1962 you made a sworn statement admitting that you had committed homosexual acts for money.

On 20 November 1962 your commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness due to homosexual acts. When informed of the recommendation, you waived the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and on 13 December 1962 you were separated with an undesirable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, post service achievements and the contention that your discharge was unjust due to your being coerced into signing a statement "resulting in a cover-up". The Board concluded that those factors were insufficient to warrant recharacterization of your discharge. In this regard, 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, such as yourself, who committed homosexual acts for compensation. 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,



ROBERT D. ZSALMAN  
Acting Executive Director