



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

CRS  
Docket No: 10962-07  
26 November 2009

[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 22 October 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 31 July 1961. On 28 February 1963 you received nonjudicial punishment for a one-day unauthorized absence. On 8 May 1963 you admitted to a criminal investigator that you had been involved in a homosexual act for compensation prior to enlisting. A message dated 14 May 1963 indicates that you suffered from a chronic skin infection and an emotional instability reaction, for which you had received treatment in dermatology and neuropsychiatric clinics since February 1962.

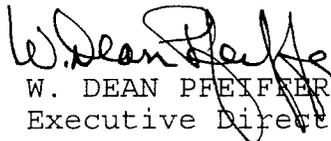
On 17 May 1963 your commanding officer recommended that you be separated from the Navy by reason of misconduct/fraudulent entry, with an undesirable discharge, based on your concealment of a pre-service homosexual act. After being informed of the recommendation, you waived the right to present your case to an administrative discharge board. The recommendation was approved by the separation authority, and you were separated from the Navy on 28 May 1963 with an undesirable discharge.

The Board carefully considered your contention to the effect that your discharge should be upgraded to honorable or general because you suffered from a chronic skin infection which affected 70% of

your body, but found it insufficient to warrant corrective action in your case. It concluded that you were properly discharged by reason of misconduct/fraudulent enlistment, with an undesirable discharge, and that you have not demonstrated that it would be in the interest of justice to upgrade your discharge. 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