



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

CRS
Docket No: 2386-08
12 May 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 6 May 2009. 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.

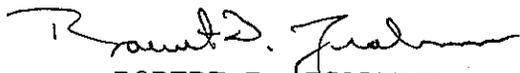
The Board found that you enlisted in the Navy Reserve on 18 August 1976. On 8 December 1976 you made a statement in which you admitted that you had engaged in homosexual acts on base, as well as prior to enlistment. On 21 December 1976 your commanding officer recommended that you be separated from the Navy by reason of misconduct, with a general discharge. He recommended a general discharge since you had admitted your homosexual activities, and agreed to waive your right to an administrative discharge board in return for a general discharge. You were discharged on 23 December 1976 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 and overall record of service. The Board concluded that those factors were insufficient to warrant recharacterization of your service. In this regard, the Board noted that current policy provides that the characterization of service for individuals discharged for homosexuality will normally be a general or honorable discharge; however, a characterization of under other than honorable conditions is authorized for individuals who commit homosexual acts on a military base. In addition, you in effect, requested a general discharge. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to

upgrade your discharge, 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