



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

CRS  
Docket No: 6327-08  
29 September 2008

[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 10 September 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.

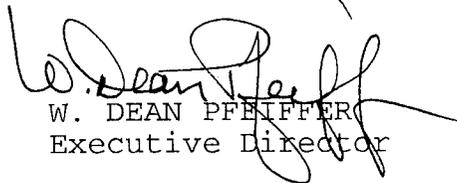
The Board found that you enlisted in the Marine Corps on 11 December 1951. During February 1953, you made a sworn statement in which you admitted that you had engaged in homosexual acts on a military installation in areas open to public view. On 25 March 1953, you requested to be discharged for the good of the service to escape trial by court-martial for the offense of sodomy with a Sailor. Your request was approved, and you were separated from the Marine Corps on 26 October 1953 with an undesirable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and good post service conduct, as well as your contention to the effect that you falsely claimed to be homosexual in order to avoid false charges of homosexual conduct that had been made against you by a former prisoner in the brig where you worked as a guard. The Board concluded that those factors were insufficient to warrant recharacterization of service. The Board noted that current policy of the Department of Defense 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 aboard a military base and/or in public view, as you did. In addition, the Board did not accept your unsubstantiated contention concerning the reason you requested discharge for the good of the service. 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