



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

CRS
Docket No: 9126-08
19 January 2010

[REDACTED]

[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 2 December 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.

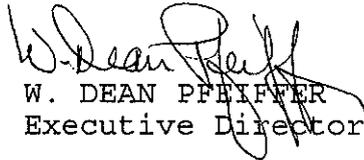
The Board found that you enlisted in the Navy on 22 November 1954. On 28 January 1958 your commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness due to sexual perversion based on your arrest for engaging in voyeuristic activities, and your admission of having a long history of such activities. The discharge authority decided to separate you from the Navy by reason of unsuitability, with a general discharge. You were so discharged on 8 April 1958.

The Board did not accept your unsubstantiated contention to the effect that you were intoxicated when you committed the misconduct which resulted in your discharge by reason of unsuitability. It noted that while intoxication might be considered a mitigating factor, it would not excuse your misconduct. The Board concluded that you were fortunate to have been separated with a general discharge by reason of unsuitability, and that it would not be in the interest of justice to upgrade your discharge to honorable. 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