



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

CRS
Docket No: 923-09
12 February 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 16 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 25 August 1980. On 20 December 1980 you made a statement that you were in bed with a male airman recruit in the barracks, and on 17 February 1981 you freely admitted to engaging in bisexual behavior before and during your service.

On 18 February 1981 your commanding officer recommended your separation due to homosexual acts that were committed openly in public view and on board a military installation. On 9 April 1981 you received a general discharge by reason of misconduct due to homosexual acts.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall services, and the contentions that you are not homosexual and that the reason for discharge is discriminatory. The Board concluded that those factors were insufficient to demonstrate that you were discharged in error or to warrant a change in the reason and authority for 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,



For W. DEAN PFEIFFER
Executive Director