



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

RDZ:ecb  
Docket No. 01943-09  
16 December 2009

[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 8 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.

You enlisted in the Navy on 19 July 1967 at age 17. Under the terms of your enlistment you were obligated to serve until you turned 21 years of age. Unfortunately you failed to fulfill your obligated service due to your admission that you had engaged in homosexual activity. Some of these acts were performed for money and at least one occurred aboard a Navy vessel. Even under current Navy policy a Sailor who engages in homosexual conduct for compensation or performs such acts aboard ship is normally issued an other than honorable discharge.

Consequently the Board concluded that your discharge was proper as issued and should not be changed now as a matter of clemency. The Board also noted that in addition to the aggravating features of your homosexual activity you received nonjudicial punishment on two occasions. Your offenses you were one day of unauthorized absence and assault with a deadly weapons.

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