



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

CRS
Docket No: 7366-09
10 August 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 29 July 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 5 February 1952. You received three nonjudicial punishments for offenses that included an unauthorized absence of a day, cheating on an examination, sleeping in an unassigned bunk, and absence from appointed place of duty. On 14 December 1954 you admitted that you had committed a homosexual act for compensation.

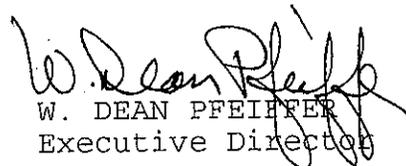
On 4 January 1955 an administrative discharge board recommended that you be separated with an undesirable discharge by reason of unfitness due to homosexual acts based on your admission. After review by the discharge authority, the recommendation for separation was approved and on 20 January 1955 you were separated with an undesirable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and the contention that you were not homosexual, but found those factors insufficient to warrant the upgrade of your discharge. In addition, the Board found that had current discharge standards been in effect in 1955, you would have been processed for separation by reason of misconduct and homosexuality, and could have received a discharge under other

than honorable conditions. 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