



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

CRS
Docket No: 11661-09
13 April 2010



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 March 2010. 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.

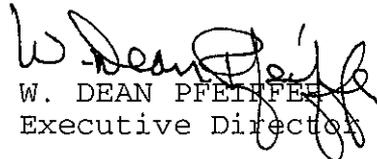
The Board found that you enlisted in the Navy on 11 August 1976. On 1 September 1976 you admitted to the ship's medical officer that you had engaged in homosexual acts both before and during your service. On 29 September 1976 you received a general discharge by reason of misconduct due to fraudulent entry for failure to disclose your homosexual acts.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth, overall service, and the contention to the effect you would have received an honorable discharge under current standards regarding homosexuality. The Board concluded that those factors were insufficient to warrant recharacterization of your service. In this regard, the Board noted that current policy provides for a general discharge for an individual who fraudulently enlists. 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