



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

CRS  
Docket No: 71-10  
12 April 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 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 3 January 1966. On 31 May 1966 you made a statement in which you admitted that you had been in bed with another male in the barracks. On 2 June 1966 you admitted to engaging in homosexual acts before and during your service.

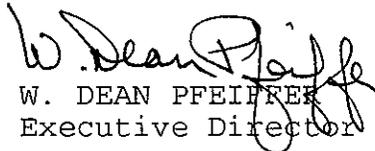
On 6 June your commanding officer recommended your separation due to homosexual acts that were committed openly and in public view and on board a military installation. On 20 June 1966 you received an undesirable discharge by reason of unfitness due to homosexual acts.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth, overall service, and the unsubstantiated contention that you are not homosexual. The Board concluded that those factors were insufficient to warrant recharacterization of your service or a change in the reason for the discharge. In this regard, the Board noted that current policy provides that the

characterization of service for individuals discharged for homosexuality will not normally be under other than honorable conditions; however, such a characterization is authorized for individuals who commit homosexual acts on board a military installation and openly in public view, as you did. 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