



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

TAL  
Docket No: 9753-10  
24 June 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 23 June 2011. The names and votes of the members of the panel will be furnished upon request. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 10 November 1987 after more than five years of honorable service in the Air Force. On 24 January 1944, you received nonjudicial punishment (NJP) for operating a motor vehicle on base while intoxicated. In March 1992, you were the subject of a Naval Investigative Service (NIS) investigation, after being suspected of committing sodomy and indecent assault. You stated in part that you did not know what came over you, but it was an attraction you felt toward this individual. You stated that you were sometimes attracted to males as well as females. On 21 April 1992 you received NJP for two instances of insubordinate conduct toward a superior officer, assault by attempting to scare a Marine with a knife, and two instances of indecent acts with another on board Camp Hansen, Okinawa, Japan. You were counseled regarding your misconduct and warned that further offenses could result in administrative separation. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to homosexual acts. You waived all of your procedural

rights, including your right to an administrative discharge board (ADB). On 15 May 1992, you received the OTH discharge due to homosexual acts and were assigned an RE-4 reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and prior honorable service in the Air Force. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge and reentry code given the seriousness of your misconduct that resulted in two NJPs and your admission of participation in homosexual acts with other Marines on a marine installation which is sufficient, even under current standards, to warrant an other than honorable 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,

  
W. DEAN PFEIFFER  
Executive Director