



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

REC  
Docket No: 00456-12  
25 October 2012



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 24 October 2012. 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 Navy on 22 September 1964. On 6 August 1965, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for two days. On 28 September 1965, you received NJP for being UA for seven days. On 23 November 1965, you were convicted by a special court-martial (SPCM) of being UA on two occasions totaling 14 days. You were sentenced to a forfeiture of \$60, and restriction for 30 days. On 13 January 1966, you received NJP for being UA for one day, and failure to obey a lawful order. On 29 March 1966, you were convicted by a SPCM of being UA for 26 days. You were sentenced to a forfeiture of \$130, reduction in pay grade, and confinement

at hard labor for two months. On 17 June 1966, you received NJP for being UA for over 24 hours. On 1 July 1966, you were convicted by your third SPCM of being absent from your appointed place of duty, disrespect toward a petty officer, and disobeying a lawful order. You were sentenced to reduction in pay grade, and confinement at hard labor for four months. On 28 July 1966, a mental health evaluation was conducted and you admitted that you wanted out of the Navy and resorted to frequent acts of homosexuality for monetary gain. On 1 September 1966, you provided a statement to a special agent during an investigation that you had engaged in homosexual acts during your time of service with males for compensation. On 19 September 1966, you were informed that you were being administratively separated by reason of unfitness (homosexuality) as evidenced by your own admission. You then elected to waive your rights to consult counsel, submit a statement or have your case heard by an administrative board (ADB). Your commanding officer forwarded his recommendation to discharge you by reason of unfitness with an other than honorable (OTH) discharge. On 30 September 1966, the discharge authority directed that you be separated with an OTH discharge by reason of unfitness. You were so discharged on 18 October 1966.

The Board, in its review of your entire record, carefully weighed all potentially mitigating factors, such as your youth, and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant changing your characterization of discharge, given your record of four NJP's, conviction by three SPCMs of misconduct, and commission of homosexual acts for compensation. In this regard, the Board noted that you admitted to participating in homosexual acts under aggravating circumstances by receiving compensation. The Board also noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. The Board concluded your discharge was proper as issued and that no change is warranted. 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D ZSALMAN  
Acting Executive Director