



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

CRS

Docket No: 11001-12

10 April 2014

[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 18 September 2013. 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.

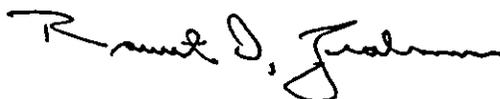
The Board found that you enlisted in the Navy on 30 June 1955. On 11 April 1957 you made a written statement that you had engaged in homosexual acts while in the Marine barracks, an aggravating factor. On 19 July 1957 you received an undesirable discharge by reason of unfitness due to homosexual acts.

In its review of your application, the Board carefully considered your contention that you had no misconduct but found it unsubstantiated and insufficient to warrant the approval of your request for corrective action. Further, the Board noted that you admitted to participating in homosexual acts under aggravating circumstances. Even under today's standards, the

fact that the homosexual acts occurred in the barracks is an aggravating factor. 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 dark ink, appearing to read "Robert D. Zsalmán". The signature is written in a cursive style with a large initial "R".

ROBERT D. ZSALMAN
Acting Executive Director