



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

SJN

Docket No: 6124-13

30 July 2014

[REDACTED]

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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 29 July 2014. 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 and began a period of active duty on 3 November 1972. The Board found that on 9 November 1972, you submitted a statement admitting to pre-service homosexual conduct. On 10 November 1972, medical staff found that you did not suffer from psychosis or any other mental disorder, and there was no evidence that you were feigning homosexuality to obtain a discharge. It was recommended that you be separated. As a result of your failure to disclose your pre-service homosexual conduct, your commanding officer initiated administrative discharge action by reason of fraudulent entry as evidenced by your concealment of your pre-service homosexuality after you were afforded all of your procedural rights.

On 17 November 1972, your commanding officer recommended that you receive an undesirable discharge due to fraudulent enlistment.

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On 22 November 1972, the separation authority directed that you be discharged by reason of fraudulent enlistment with an other than honorable discharge. You were so discharged on 30 November 1972. On 14 January 1977, your characterization of service was upgraded to general by the Naval Discharge Review Board.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the fact that you failed to disclose your pre-service homosexual conduct. Furthermore, a general discharge is issued to most individuals discharged due to fraudulent enlistment. 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,



ROBERT D. ZSALMAN  
Acting Executive Director