



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

CRS
Docket No: 12977-10
4 February 2011

[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 5 January 2011. 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 Marine Corps on 30 November 1961. You received nonjudicial punishment on three occasions and were convicted by a special court-martial for offenses that included unauthorized absences, underage drinking, possession of another person's identification card, and possession of alcohol in the barracks. On 1 April 1964 you made a statement that you had committed homosexual acts with civilians. On 23 January 1964 civil authorities convicted you of petty theft. The court sentenced you to a fine of \$56.00 and probation for one year. A special court-martial convened on 10 April 1964 and found you guilty of two periods of unauthorized absence and breaking arrest. The court sentenced you to confinement at hard labor for six months, forfeiture of \$55.00 per month for six months, reduction in rate, and a bad conduct discharge.

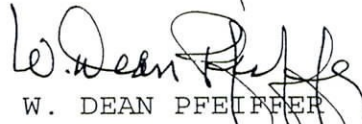
On 29 June 1964 your commanding officer recommended your separation from the Marine Corps. On 24 July 1964 you received an undesirable discharge by reason of unfitness due to homosexual

acts.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall service, and the contention that such a discharge would not exist today. The Board concluded that those factors were insufficient to demonstrate that you were discharged in error or to warrant a change in characterization of service. 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