



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

[REDACTED]
Docket No. 7251-16

NOV 28 2017

[REDACTED]
Dear [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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 September 2017. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Marine Corps and began a period of active duty on 14 October 1968. On 27 January 1970, you received nonjudicial punishment (NJP) for a one day period of being unauthorized absence (UA) from your appointed place of duty and for leaving [REDACTED] without checking out with the Commanding Officer's office. On 24 October 1971, you were pulled over by the military police and they found pornographic pictures, specifically nude adolescent males and photographs depicting acts of oral copulation between a child and an adult. The Naval Investigative Service report of 18 November 1971 shows that you were reminded of your rights and you acknowledged that you were suspected of homosexuality with an aggravating factor with minor children. As a result of the foregoing, administrative discharge proceedings was initiated and you consulted counsel. You were referred and underwent a psychological evaluation and it was concluded that you displayed evidence of pedophilia. On 24 November 1971, you were discharged with an Other Than Honorable (OTH) characterization of service.

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. The Board, in its review of your record, and application with supporting documentation, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service and rationale for your misconduct. The Board concluded these factors were not sufficient to warrant relief in your case, because no error or injustice was identified in its review of your record. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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 solid black rectangular box used to redact the signature of the Executive Director.

Executive Director