



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

CRS
Docket No: 8927-08
17 March 2009

[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 17 December 2008. 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 4 June 1984. On 28 March 1985 your commanding officer recommended that you be discharged by reason of misconduct due to homosexual acts. Although the homosexual acts you were accused of committing are not described in your record, the recommendation for discharge was supported by written statements of your first sergeant and three junior enlisted Marines. The recommendation was approved, by the separation authority, and you were discharged under honorable conditions on 25 April 1985.

The Board carefully considered your contentions to the effect that you were falsely accused of engaging in homosexual activity by a Marine whom you had accused of possessing cocaine, that you have been married for many years, and that your present discharge causes you embarrassment when you apply for jobs. The Board was not persuaded that you were falsely accused of engaging in homosexual activity, and it concluded that you have not demonstrated that your discharge is erroneous or unjust. 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