



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

CRS  
Docket No: 9034-08  
21 January 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 10 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 Navy on 25 April 1988. On 22 February 1989 you made a statement that you had participated in two homosexual acts prior to your enlistment and several on active duty with another Sailor.

On 20 March 1989 your commanding officer recommended that you be separated from the Navy with a general discharge by reason of fraudulent entry. After review by the discharge authority, the recommendation for separation was approved, and you received a general discharge on 19 April 1989.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and belief that you did not set out on purpose to fraudulently enlist. The Board concluded that those factors were insufficient to warrant recharacterization of your or a change in the reason for the discharge, given your fraudulent entry. 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