



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

JRE
Docket No. 01529-10
23 March 2010

[REDACTED]

[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 11 March 2010. 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 did not accept your contention to the effect that you were falsely accused of engaging in homosexual activity while serving in the Marine Corps during the period from 26 October 1960 to 20 February 1962. In this regard, the Board noted that you signed a statement on 18 January 1962 in which you related that you and another Marine had rubbed your penises against "each other's butts" on numerous occasions while taking showers. You also admitted that you had allowed a Marine to place his erect penis between your buttocks. In addition, a Marine Corps sergeant witnessed you engaging in anal copulation in the barracks.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider your request for service connection for a burn because that is a matter within the jurisdiction of the Department of Veterans Affairs.

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