



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

CRS
Docket No: 6011-10
11 March 2011

MR. LOUIS G. GRAHAM
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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 9 March 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 Navy on 13 July 1955. On 19 September 1956 you were convicted by civil authorities of reveling. The court sentenced you to a fine of \$10.00. On 24 September 1956 you received nonjudicial punishment for an unauthorized absence and missing movement. On 2 May 1959 you made a statement in which you admitted that you had engaged in numerous acts of anal and oral sex with males on board your ship for which you paid.

On 6 May 1959 your commanding officer recommended that you be separated from the Navy by reason of unfitness due to homosexual acts, with an undesirable discharge. The recommendation was approved by the separation authority, and you were discharged on 27 May 1959 with an undesirable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and overall service. The Board concluded that those factors were insufficient to warrant recharacterization of your service. In

this regard, the Board noted that current policy provides that the characterization of service for individuals discharged for homosexuality will not normally be under other than honorable conditions; however, such a characterization is authorized for individuals who commit homosexual acts on board a ship and for compensation, as you did. 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