



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

TAL
Docket No: 6294-10
25 March 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 March 2011. 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, your naval record, and applicable statutes, regulations, and policies.

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.

You enlisted in the Navy and began a period of active duty on 25 August 1959 at age 17. In October 1960, it appears that you were the subject of a security investigation regarding your participation in homosexual acts. On 15 and 17 October, and 1 November 1960 you submitted written statements regarding participation in homosexual acts aboard a naval vessel. As a result, you were notified of pending administrative discharge processing with an other than honorable (OTH) discharge by reason of unfitness due to homosexuality. At that time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 9 November 1960 your commanding officer recommended separation under OTH conditions by reason of unfitness. On 23 November 1960 the discharge authority approved the foregoing recommendation and directed your commanding officer to issue you an OTH discharge by reason of unfitness and on 30 November 1960 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your participation in homosexual acts aboard a naval vessel, that even under current standards, warrants an OTH discharge. Finally, the Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Accordingly, your application has been denied. The name and votes if 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