



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 2731-13
27 February 2014

[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 5 February 2014. 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.

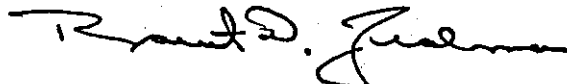
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 16 January 1990 at age 20. On 22 February 1990, you were the subject of a mental health evaluation, where you stated in part that you wanted out of the Navy due to feeling stressed because of sexual desire, and that you felt you were a homosexual. You stated you had three homosexual experiences in the months prior to enlisting. It was further determined that you failed to disclose this information during your recruiting process. As a result of your failure to disclose this information, your commanding officer initiated administrative discharge action by reason of fraudulent entry as evidenced by your concealment of pre-service participation in homosexual acts. The separation authority directed an uncharacterized entry level separation by reason of fraudulent enlistment. You were so discharged on 12 March 1990.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the fact that you failed to disclose your pre-service homosexual acts. Finally, when an individual is separated by reason of fraudulent enlistment during the first 180 days of active service, the individual receives an uncharacterized entry level separation. 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,



ROBERT D. ZSALMAN
Acting Executive Director