



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

FC
Docket No: 00871-03
29 August 2003

[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 27 August 2003. 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.

The Board found you reenlisted in the Naval Reserve on 23 August 1946 after about 13 months of prior active service in World War II. You then served in an inactive status until you were recalled to active duty on 4 October 1950. You were commended on 1 April 1951 for outstanding performance of duty from December 1950 to March 1951.

In a written statement of 23 July 1951, you admitted to four homosexual acts. One day later, during a medical examination, you admitted to participating in five homosexual acts in the past two months. You performed the first act as a passive participant "for remuneration." The four other acts were performed for "payment that had been agreed upon but was never received."

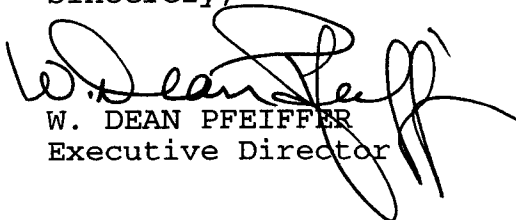
On 26 July 1951, after you were confronted with court-martial charges, you submitted a written request for an undesirable discharge in order to avoid trial by court-martial for

participating in homosexual acts. On 16 August 1951, a board in the Bureau of Naval Personnel recommended that you be issued an undesirable discharge by reason of unfitness due to homosexual involvement. On 21 August 1951, the Chief of Naval Personnel directed an undesirable discharge and, on 31 August 1951, you were so discharged.

The Board, in its review of your entire record, carefully weighed all potentially mitigating factors such as your youth and immaturity, the length of time that has passed since you were discharged from the Navy, your prior service during World War II and the Korean Conflict, and your contentions that you are not a homosexual. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge given your admission to homosexual activity. In this regard, the Board noted that you admitted to participating in homosexual acts for compensation. This aggravating factor is sufficient, even under current standards to warrant discharge under other than honorable conditions. The Board concluded your discharge was proper as issued and no change is warranted. 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