



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

SJN  
Docket No: 00838-13  
14 May 2014

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552  
(b) 10 U.S.C. 654 (Repeal)

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy Reserve, filed enclosure (1) with this Board requesting, in effect, that his general characterization of service and narrative reason for separation be changed per reference (b). He also impliedly requested that the Separation authority "Bupers ltr Pers-F321-gjh of 10 APR 57, and Article C-10310 BuPers Manual" be changed. Additionally, he also requested that his non-recommendation for reenlistment be changed to being recommended for reenlistment.

2. The Board, consisting of Messrs. Zsalman and Exnicios and Ms. Montgomery, reviewed Petitioner's allegations of error and injustice on 7 May 2014 and, pursuant to its regulations, determined that the limited corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 21 May 1952. He served without incident and was released from active duty and transferred to the Navy Reserve on 18 May 1956. He had a reserve obligation until 20 May 1960. On 14 March 1957, he made a statement admitting to participating in pre-service homosexual acts. Subsequently, he was administratively processed for unsuitability due to participating in homosexual acts. His commanding officer forwarded his case and the separation authority directed a general discharge due to convenience of the government by reason of homosexual acts. He was so discharged on 12 April 1957. At that time he was not recommended for reenlistment.

d. The Board found that available records indicate that his conduct average was 4.0 at the time of his release from active duty, high enough under normal circumstances to warrant an honorable characterization of service. At that time, an average of 3.0 in conduct was required for an honorable discharge.

e. Reference (b) sets forth the Department of the Navy's current policies, standards, and procedures for correction of military records following the "don't ask, don't tell" (DADT) repeal of 10 U.S.C. 654. It provides service Discharge Review Boards with the authority to grant requests to change the characterization of service to general or honorable, narrative reason for discharge to "secretarial authority", when the original discharge was based solely on DADT or a similar policy in place prior to enactment of it and there are no aggravating factors in the record, such as misconduct.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of reference (b), the Board concludes that Petitioner's request warrants partial favorable action in the form of relief.

The Board concludes that based upon his overall record of service and current Department of the Navy policy as established in reference (b), that relief in the form of his narrative reason for separation be changed to "secretarial authority" and characterization of service be changed to "honorable". Additionally, change the separation authority to "BUPERSMAN" vice "Bupers ltr Pers-F321-gjh of 10 APR 57, and Article C-10310 BuPers Manual". The Board is not willing to recommend him for reenlistment since his discharge was over 50 years ago and there is no evidence he could pass an enlistment physical. In view of the above, the Board directs the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that the narrative reason for separation was "secretarial authority" vice "unsuitability" and that he received an honorable discharge from the Navy Reserve vice "GENERAL DISCHARGE" on 12 April 1957. Additionally, change the separation authority to "BUPERSMAN". Additionally, the issuance of a new Record of Discharge, Release from Active Duty, or Death Certificate from the Navy Reserve is directed.

b. That no further relief be granted.

c. That a copy of this report of proceedings be filed in Petitioner's naval record.

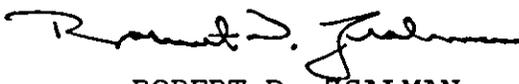
d. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 3 January 2013.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
BRIAN J. GEORGE  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
ROBERT D. ZSALMAN  
Acting Executive director