



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

SJN
Docket No: 3644-14
10 July 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 filed enclosure (1) with this Board requesting, in effect, that his under other than honorable (UOTH) characterization of service be changed per reference (b). He also impliedly requested that the reason and authority "BUPERS LTR PERS-F321-jmg of 17 May 61 and BUPERS MANUAL ARTICLE C-10311-CODE 253" be changed per reference (b).

2. The Board, consisting of Messrs. Zsalman, Exnicios and Ruskin, reviewed Petitioner's allegations of error and injustice on 8 July 2014 and, pursuant to its regulations, determined that the 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. Petitioner enlisted in the Navy and began a period of active duty on 22 March 1960. On 24 February 1961, he submitted a statement admitting to participating in homosexual acts with a civilian. A command investigation was conducted and subsequently, he was administratively processed for separation by reason of homosexuality due to his own admission. His commanding officer forwarded his case and the separation authority directed

an OTH discharge. He was so discharged on 31 May 1961. Characterization of service is based in part on conduct marks assigned on a periodic basis. His conduct average was 3.0, which is high enough for an honorable characterization of service.

c. 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 re-characterize a discharge to general or honorable, and 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 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 OTH to "honorable". Additionally, the authority should be changed to read "BUPERS MANUAL". In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 31 May 1961, he received an "honorable" discharge vice the OTH discharge issued on that date, the narrative reason for separation was "secretarial authority", and the reason and authority be change to "BUPERS MANUAL" vice "BUPERS LTR PERS-F321-jmg of 17 May 61 and BUPERS MANUAL ARTICLE C-10311-CODE 253".

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

c. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 4 February 2014.