



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

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Docket No: 4709-21
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER █ █, USN,
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Ref: (a) 10 U.S.C. 1552
(b) 10 U.S.C. 654 (Repeal)
(c) UNSECDEF Memo OF 20 Sep 11 (Correction of Military Record following Repeal of U.S.C. 654)

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

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting, in effect, that his characterization of service "Other Than Honorable Conditions (OTH)" be changed per reference (b). He also implied and requested that his narrative reason for separation "Homosexuality", "RE-4" (not recommended for retention) reenlistment code be changed per reference (b). Additionally, that the separation authority "BUPERS MANUAL C-10311", be changed. Enclosures (1) through (3) apply.

2. The Board consisting of █ █ █. █ and █ █ reviewed Petitioner's allegations of error and injustice on 6 October 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, 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.

[REDACTED]

c. Petitioner enlisted in the Navy on 29 July 1965. On 8 September 1966, he received non-judicial punishment (NJP) for being in an unauthorized absence (UA) status for one day. On 28 November 1966, he made a written statement admitting to being a habitual homosexual since the age of 12 years old. On 5 December 1966, he made a statement admitting to his involvement in homosexual acts while in the Brig. On 23 January 1967, a special court-martial (SPCM) convicted Petitioner of two specifications of UA totaling 45 days. As a result, administrative separation action was initiated. After being afforded all of his rights, it was directed that he receive an OTH discharge by reason of homosexuality. On 14 February 1967, he was so discharged.

d. Petitioner requests upgrade to the characterization of his discharge to honorable, citing current policy.

e. Reference (c) 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 guidance to grant requests to change the characterization of service to "honorable", narrative reason for separation to "secretarial authority", SPD code to "JFF", and reentry code to "RE-1J", 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) and (c), the Board concludes that Petitioner's request warrants partial relief. In this regard, the Board noted Petitioner's overall record of military service and current Department of the Navy policy as established in reference (b) and (c). That relief in the form of his characterization of service be changed to read "General under Honorable Conditions", narrative reason for separation be changed to read "Secretarial Authority", and reenlistment code to "RE-1J". Additionally, change his separation authority to read "MILPERSMAN 1910-164". The Board also concluded that Petitioner request for an honorable characterization of service is denied due to his final overall marks of 2.9 and his misconduct.

In view of the foregoing, the Board directs the following corrective action.

RECOMMENDATION:

That Petitioner's record be corrected to show that on 14 February 1967, his characterization of service was "General under Honorable Conditions", his narrative reason for separation was "Secretarial Authority", reenlistment code was "RE-1J", and his separation authority was "MILPERSMAN 1910-164".

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

[REDACTED]

That no further changes be made to the record.

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

That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 27 July 2021.

4. 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.

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.

Sincerely,

10/22/2021

[REDACTED]

Executive Director
[REDACTED]