



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

██████████
Docket No: 4843-21
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER ██████████, ██████████
██████████

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 "General Under Honorable Conditions" be changed per reference (b). He also implied and requested that his narrative reason for separation "Homosexual Tendencies", "RE-4" (not recommended for retention) reenlistment code be changed per reference (b). Additionally, that the separation authority "BUPERS MANUAL C-10310", be changed. Enclosures (1) through (3) apply.

2. The Board consisting of ██████████ ██████████ reviewed Petitioner's allegations of error and injustice on 27 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, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo)

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.

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c. Petitioner enlisted in the Navy on 4 August 1960. On 17 May 1961, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA) and disobeying a lawful order. On 30 March 1962, Petitioner received an evaluation by a psychiatrist and admitted to having homosexual tendencies by being sexually attracted toward other men. On 2 February 1962, Petitioner made a written statement admitting to having homosexual tendencies by being sexually attracted toward other men. As a result, administrative separation action was initiated. After being afforded all of his rights, it was directed that he receive a general under honorable conditions characterization of service by reason of homosexual tendencies. On 26 September 1962, he was so discharged.

d. 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 reenry 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 full 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 is changed to read "Honorable", 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."

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

RECOMMENDATION:

That Petitioner's be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating an "honorable" characterization of service, "secretarial authority" narrative reason for separation, "RE-1J" reenlistment code, and "MILPERSMAN 1910-164" separation authority.

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

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 3 August 2021.

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[REDACTED]

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,

11/2/2021

[REDACTED]

Executive Director

[REDACTED]