



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

█
Docket No: 4926-21

Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) USD Memo, "Correction of Military Records Following Repeal of Section 654 of Title 10, United States Code," 20 September 2011
(c) USD Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," 25 July 2018

Encl: (1) DD Form 149 w/enls

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with this Board requesting his Reason and Authority for discharge be changed on his Armed Forces of the United States Report of Transfer or Discharge (DD Form 214). Enclosure (1) applies.
2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 3 January 2022, and pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, applicable statutes, regulations, policies, to include references (b) and (c).
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 25 February 1970.
 - c. On 11 January 1971, Petitioner was notified of administrative discharge action due his admitted homosexual acts reported to the Naval Investigative Service. After Petitioner was afforded his procedural rights, he elected to have his case heard before an administrative discharge board (ADB).

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[REDACTED]

d. On 5 March 1971, the senior member of the ADB announced that the board's findings and recommendation were made in closed session.

e. On 12 March 1971, Petitioner's case was forwarded to the separation authority concurring with the ADB's findings and recommendations. It was stated, in part, that the fact that Petitioner admitted to homosexual acts indicated the prompt need for his separation from the Naval service in the interest of security, the preservation of good order, discipline, and high morale in the Navy. His retention was not in the best interest of the United States, United States Navy, or any other command to which he would be assigned. Additionally, probation and rehabilitation was strongly not recommended.

f. On 12 April 1971, the separation authority directed that Petitioner received a general discharge, and that the reason for his discharge not be shown on his DD Form 214.

g. On 15 April 1971, Petitioner was discharged from the Navy with an under honorable conditions (general) characterization of service.

h. Characterization of service is based in part on conduct marks assigned on a periodic basis. Petitioner's conduct average was 3.1. His overall trait average was 3.4. At the time of his service, a conduct average of 3.0 was required to be considered for a fully honorable characterization of service.

i. On 7 July 1977, a Special Discharge Review Program (SDRP) reviewed Petitioner's discharge stating that his case did not meet the criteria of SDRP, and his discharge should not change.

j. With his application, Petitioner states that it has been a burden that he has had to carry secretly for 50 years. States, he never applied for jobs that required a DD 214 be provided for fear of incrimination for something that was never a crime to begin with, and if it were to happen currently he never would have been discharged.

k. Reference (b) provides that service records correction boards should normally grant requests to upgrade characterizations of service, narrative reasons for separation, and/or reentry codes when both of the following conditions are met: (1) the original discharge was based solely on the "Don't Ask, Don't Tell" (DADT) policy or a similar policy in place prior to the enactment of DADT and (2) there were no aggravating factors in the record, such as misconduct.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that the Petitioner's request warrants favorable action in the form of relief. The Board reviewed his application under the guidance provided in references (b) and (c) intended to be covered by this policy.

In this regard, the Board noted that based upon Petitioner's overall record, relief in the form of his narrative reason for separation should be changed to "Secretarial Authority," the separation

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[REDACTED]

authority should change along with his separation code. Additionally, his characterization of service should be change to honorable based on his overall conduct and trait average.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION

Petitioner be issued a new DD Form 214, showing that on 15 April 1971, he received an honorable characterization of service, Article C-10306 BUPERS Manual - Other good and sufficient reason (non-derogatory) when determined by proper authority - 21L separation authority, narrative, and code.

Petitioner be issued an honorable discharge certificate.

That no further action be granted.

A copy of this Report of Proceedings be filed in Petitioner's naval record.

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.

1/19/2022

[REDACTED]
Executive Director
[REDACTED]