



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

█
Docket No: 8070-21
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) 10 U.S.C. 654 (Repeal)
(c) UNSECDEF Memo of 20 Sep 11 (Correction of Military Records Following Repeal of 10 U.S.C. 654)

Encl: (1) DD Form 149 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her naval record be corrected by changing the characterization of service, narrative reason for separation, reentry code, rate, and rank on her Armed Forces of the United States Report of Transfer or Discharge (DD Form 214).

2. The Board consisting of █, █ and █ reviewed Petitioner's allegation of injustice on 10 January 2022, and, pursuant to its regulations, determined 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 review the application on its merits.

c. Petitioner enlisted in the U.S. Navy and commenced a period of active duty on 10 March 1958.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
USN, [REDACTED]

d. On 9 June 1959, Petitioner's enlisted performance record indicated that she was recommended for AK3/E-4.

e. On 15 January 1960, while being interviewed by special agents with the office of naval intelligence regarding connection with or possible homosexual activity, Petitioner admitted to, and submitted a sworn statement stating she had engaged in homosexual activity. This statement was followed by two additional statements where Petitioner provided names and descriptive accounts of the aforementioned.

f. On 26 January 1960, a psychiatric evaluation found the Petitioner was of average intelligence and not psychotic. It further found Petitioner to be an overt homosexual not fit for service.

g. On 29 January 1960, Petitioner's commanding officer (CO) recommended that Petitioner be separated with an other than honorable (OTH) characterization of service by reason of unfitness.

h. On 4 February 1960, an administrative discharge board recommended Petitioner be separated from the Navy with an OTH due to unfitness.

i. On 10 February 1960, the separation authority directed Petitioner be separated. Petitioner was discharge on 19 February 1960, with an OTH characterization of service.

j. Reference (c) sets forth the Department of the Defense'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 guidance to grant requests to change the characterization of service to "honorable," narrative reason for discharge to "secretarial authority," SPD code to "JFF," and reenlistment 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. However, based on the time frame of Petitioner's discharge, reenlistment codes were not applicable and she would not have been issued one

k. Petitioner contends she was discharged as a result of an investigation by naval intelligence into homosexual conduct and was subsequently discharged. She adds, being separated with an undesirable characterization of service has robbed her of her dignity and smeared the honor of her service to her country. Petitioner states she is a mild-mannered grandmother of three and great-grandmother of one who has spent her life as a caregiver in a healthcare field. For 60 years she has lived with the stigma and shame of having a less than honorable discharge and would like her discharge upgraded to honorable to reflect her service. Petitioner also contends, in June 1959, she was recommended for promotion to AK3 (PO3/E-4), and a November 1959 rating-change worksheet noted she met all requirements for advancement and eligibility to participate in the advancement examination.

CONCLUSION:

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
USN, [REDACTED]

Upon review and consideration of all the evidence of record, and especially in light of references (b) and (c), the Board concludes Petitioner's request warrants partial relief. The Board noted Petitioner's record supports that she was solely discharged on the basis of sexuality and there was no misconduct present in her record.

While the Board concurs that Petitioner was recommended for both advancement and to participate in the advancement exam, her record does not indicate she tested and/or was promoted to the next higher grade.

In view of the above, the Board directs the following corrective action:

RECOMMENDATION:

Petitioner be issued a new DD Form 214 indicating that on 19 February 1960, she was discharged with an honorable characterization of service, Art. C-10306 Other good and sufficient reasons (non-derogatory) when determined by proper authority BuPers Manual – 21L reason for separation and authority.

Petitioner be issued an honorable discharge certificate.

No further changes be made to Petitioner's record.

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 Regulations, 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.

1/14/2022

[REDACTED]

Executive Director

[REDACTED]