



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

█  
Docket No: 5470-22

Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █

█ 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 Record following Repeal of U.S.C. 654)

Encl: (1) DD Form 149  
(2) Naval record (excerpts)

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 his naval record be corrected to change the character of service listed on his discharge documents in accordance with reference (b) and (c). Enclosure (2) applies.

2. The Board, consisting of █, and █, reviewed Petitioner's allegations of error and injustice on 31 October 2022 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 references (b) and (c), and 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 review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty service on 4 June 1963.

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[REDACTED], USN, [REDACTED]

d. On 29 June 1964, Petitioner submitted a sworn statement admitting his engagement in homosexual acts prior to and during his military service.

e. On 30 June 1964, Petitioner request an Other Than Honorable (OTH) discharge characterization of service in lieu of trial by court martial.

f. On 28 July 1964, the separation authority approved and ordered that Petitioner be administratively separated from service with an OTH discharge characterization in lieu of trial by court martial. On 31 July 1964, Petitioner was discharged.

g. References (b) and (c) set 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 discharge 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.

h. Petitioner contends he was friends with some of the other Sailors on his ship and while serving, he and the others spent their free time together. At one point, some of his fellow Sailors were being discharged for their sexual orientation and homosexuality. When he found out he was being discharge, Petitioner explained to his superiors that he was straight. Yet, they still discharged him due to his relationships with these other Sailors. Petitioner claims he has been married to his wife for 50 years and have never had an issue with anyone. He have always like people for who they are and not what they do in their bedrooms. Petitioner had the pleasure of working beside other Sailors, and got along with everyone.

i. In support of his contentions, Petitioner provided multiple advocacy letters, including one from his spouse, attesting to his good character and honesty.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of references (b) and (c), the Board concludes that Petitioner's request warrants relief. In this regard, the Board noted Petitioner was discharge based solely on his request to be discharged for pending charges relating to admission of homosexual conduct. The Board found no aggravating factors in his record to disqualify him from full relief under reference (c).

In view of the above, 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 "Honorable" character of service, "Secretarial Authority" narrative reason for separation, "RE-1J" reenlistment code, "JFF" separation code, and "MILPERSMAN 1910-164" separation authority.

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[REDACTED] USN, [REDACTED]

Further, Petitioner be issued an Honorable discharge certificate.

That 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.

11/28/2022

[REDACTED]

Executive Director

[REDACTED]