



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

█
Docket No: 6783-22

Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF █
█

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 upgrade his character of service to Honorable with associated changes to his narrative reason for separation, separation authority, separation code, and reentry code consistent with reference (b) and (c). Enclosure (2) applies.

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 5 December 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 the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo) and 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. 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 on 12 September 1955.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

d. On 27 November 1957, Petitioner submitted a sworn statement admitting his engagement in homosexual acts while in service. On 29 November 1957, Petitioner accepted an undesirable discharge for the good of service due to homosexuality. On 3 December 1957, Petitioner was evaluated by a medical officer and classified as a Class II homosexual. On 7 December 1957, the Petitioner's commanding officer recommended that he be administratively separated from the Navy with and Other Than Honorable (OTH) discharge characterization of service by reason of unfitness due to homosexuality. On 17 December 1957, an Administrative Discharge Board (ADB) recommended that Petitioner be administratively separated from the Navy with an OTH discharge characterization by reason of unfitness due to homosexuality. On 19 December 1957, the separation authority approved and ordered that Petitioner be administratively separated from the Navy with an OTH discharge characterization by reason of unfitness due to homosexuality. On 7 January 1958, Petitioner was so discharged.

e. 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.

f. Petitioner states his personnel records do not contain any adverse actions or negative entries during this period of service. His performance evaluations during this period of service show marks of average or above.

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's overall record of military service and current Department of the Navy policy, as established in reference (b) and (c). In reviewing his record, the Board found no aggravating factors to disqualify him from receiving the full benefits of references (b) and (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.

Petitioner shall be issued a new Honorable Discharge Certificate.

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[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.

12/29/2022

[REDACTED]
Executive Director
[REDACTED]