



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

█  
Docket No. 8710-22  
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER █, USNR,  
XXX-XX-█

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 U.S. Navy Reserve (USNR), filed enclosure (1) with this Board requesting that his characterization of service, narrative reason for separation, separation authority, and RE-Code be changed due to the repeal of the "Don't Ask, Don't Tell" Policy. Enclosures (1) through (3) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 20 March 2023 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, applicable statutes, regulations, and policies to include the references.

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.

c. Petitioner enlisted in the USNR on 11 October 1967 and completed an initial period of active duty for training on 7 March 1968, before transferring back to the USNR.

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d. On 19 July 1969, Petitioner made a voluntary statement regarding his sexuality. On 20 July 1969, he received a psychiatric evaluation and was found to be honest in his statement and willing to accept an administrative discharge.

e. On 12 August 1970, Petitioner was notified of pending administrative separation action by reason of homosexual acts prior and subsequent to active duty. He waived his rights to counsel and to appear before an administrative discharge board (ADB). On 16 September 1970, Petitioner's commanding officer recommended a general characterization of service by reason of unfitness.

f. On 18 February 1972, Petitioner was discharged with a general characterization of service by reason of convenience of the government (unfitness).

g. Petitioner contends that his discharge was based solely on his sexual preference.

h. 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 relief.

The Board noted that Petitioner was separated based solely on his sexuality. Therefore, the Board concluded relief in the form of changes to his characterization of service, narrative reason for separation, separation authority, and reenlistment code was appropriate.

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

#### RECOMMENDATION:

That Petitioner be issued a NAVPERS 1070/615 Record of Discharge from the U.S. Navy Reserve indicating that on 18 February 1972, Petitioner was discharged with a characterization of service as honorable, narrative reason for separation as Discretionary authority of the Secretary of the Navy, reenlistment code as RE-1J, Code 300, and separation authority as BUPERSMAN 3850220.

That no further changes be made to the record.

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.

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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.

3/30/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]