



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

█
Docket No. 10051-23
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
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting her naval record be corrected by changing her record in accordance with references (b) and (c). Enclosures (1) through (3) apply.

2. The Board, consisting of █, and █, reviewed Petitioner's allegations of error and injustice on 22 January 2024, 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).

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 service on 16 November 1959.

d. On 16 December 1960, Petitioner admitted to Naval Investigative Services that she had engaged in homosexual conduct on four occasions beginning in August 1960.

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[REDACTED], USN, [REDACTED]

e. On 9 February 1961, Petitioner was notified of administrative separation processing by reason of homosexual conduct with an undesirable discharge. Petitioner waived her rights to consult counsel, request a hearing before an administrative board, and provide a statement to rebut the separation. Petitioner's Commanding Officer recommended separation by reason of unfitness and confirmed there was no disciplinary action pending against Petitioner. On 2 March 1961, the Performance Evaluation Board recommended an undesirable discharge characterization of service, by reason of unfitness. Subsequently, the discharge authority approved the recommendation and, on 16 March 1961, she was so discharged.

f. 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 normally grant requests to change the characterization of service to "Honorable," narrative reason for discharge to "Secretarial Authority," separation 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.

CONCLUSION

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 relief. The Board noted Petitioner's record supports that she was solely discharged on the basis of homosexuality with no aggravating factors. Therefore, the Board determined Petitioner is entitled to full relief under reference (c).

RECOMMENDATION

That Petitioner be issued an Honorable Discharge Certificate and a new DD Form 214 indicating, for the period ending 16 March 1961, that her character of service was "Honorable," with a separation authority of "BUPERSMAN C-10306," separation code of "21L," narrative reason for separation of "other good and sufficient reasons (non-derogatory) when determined by proper authority," and a reentry code as "RE-1J."

That no further changes be made to Petitioner's 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.

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

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[REDACTED], USN, [REDACTED]

corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

2/9/2024

[REDACTED]