



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

Docket No: 3214-16

JUL 14 2016

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

Subj: REVIEW NAVAL RECORD OF [REDACTED] USN,  
XXX-XX-[REDACTED]

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

1. Pursuant to the provisions of reference (a), Petitioner, a former officer of the Navy, filed enclosure (1) with this Board requesting, in effect, that his discharge "general under honorable conditions" be changed per reference (b). Additionally, he also impliedly requested that his narrative reason for separation "Resignation/Good of the Service (Homosexuality)," and reentry code "N/A" be changed. Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 1 June 2016 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, 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, the Board found it was in the interest of justice to waive the statute of limitations and consider the petitioner's request on its merits.

c. Petitioner entered the Navy and began a period of active duty as a commissioned officer on 21 December 1962.

d. The record indicates that on 19 January 1965, while being interviewed by military authorities, petitioner submitted a statement admitting to engaging in homosexual acts. As a result of the foregoing, the Petitioner submitted his letter of resignation from the naval service. The discharge authority directed administrative separation with an other than honorable (OTH) discharge. On 22 June 1965, he was so discharged. On 15 July 1977, under the Department of Defense Discharge (DOD) Special Discharge Review Program (SDRP), the Petitioner's characterization of service, OTH, was changed to general under honorable conditions.

e. 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.

#### 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 notes Petitioner's overall record of military service and current Department of the Defense policy as established in references (b) and (c), and concludes that relief in the form of his characterization of service be changed to "honorable," narrative reason changed to "secretarial authority," SPD code changed to "JFF," reenlistment code changed to "RE-1J" and separation authority changed to read "MILPERSMAN 1910-164." In view of the above, the Board directs the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 22 June 1965, he was discharged with an "honorable" characterization of service, his narrative reason was "secretarial authority," SPD code "JFF," reenlistment code "RE-1J," and separation authority "MILPERSMAN 1910-164." It is further directed that he be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

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

c. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 13 April 2016.

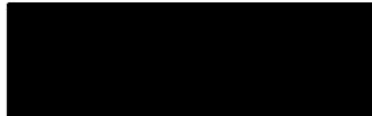
  
Docket No: 3214-16

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.



Recorder

5. The foregoing action of the Board is submitted for your review and action.



Executive Director

Reviewed and Approved/~~Disapprove~~.

8/5/16

