



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

█  
Docket No. 4130-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █, █,  
USN, 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 Records Following Repeal of 10 U.S.C. 654)

Encl: (1) DD Form 149 with attachments  
(2) Case summary

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 her naval record be corrected by changing her record consistent with references (b) and (c).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 23 September 2024 and, pursuant to its regulations, determined 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.

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 20 October 1952. On 2 February 1954, Petitioner was convicted by summary court martial (SCM) for unspecified misconduct. Nonetheless, on 27 August 1956, Petitioner was honorably discharged from the Navy and allowed to immediately reenlist. On 28 August 1956, Petitioner began a second period of active duty service. On 6 November 1956, Petitioner submitted a statement to a NAAS officer admitting her engagement in homosexual acts. On 7 November 1956, Petitioner was evaluated

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by a medical officer, at which point, she confirmed her history of homosexual tendencies since high school, but only admitted one active homosexual act in July 1956. Consequently, Petitioner was charged with committing sodomy with another Sailor and requested an Other Than Honorable (OTH) in lieu of trial by court martial. Ultimately, the separation authority approved the recommendation and ordered an OTH discharge characterization by reason of unfitness due to homosexuality. On 10 December 1956, Petitioner was so discharged.

d. 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," the separation code to "JFF," and the 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) through (c), the Board concludes Petitioner's request warrants relief. In the making of this finding, the Board noted Petitioner's record supports that she was solely discharged on the basis of her homosexual admission and no aggravating factors exists during her second enlistment. Therefore, the Board determined Petitioner is entitled to full relief under reference (c).

The Board noted that Petitioner checked the "PTSD" and "Other Mental Health" boxes on her application but chose not to respond to the Board's request for supporting evidence of her claims. Regardless, the Board determined her mental health condition was not relevant to the Board's decision to grant relief based on reference (c).

#### RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

That Petitioner be issued a new DD Form 214 indicating, for the period ending 10 December 1956, her characterization of service was "honorable," her narrative reason for separation was "Secretarial Authority," separation authority was "MILPERSMAN 1910-164," separation code was "JFF1", and reentry code was "RE-1J."

That Petitioner be issue a new discharge certificate

That no further changes be made to Petitioner's record.

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

5. 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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6. 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 Regulations, 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.

10/16/2024

