



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

█
Docket No. 7210-24

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █, █,
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 w/attachments
(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 his record be changed consistent with references (b) and (c).

2. The Board, consisting of █, █ and █, reviewed Petitioner's allegations of error and injustice on 21 October 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, 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. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner enlisted in the U.S. Navy and began a period of active duty on 31 August 1960. During an investigation by the █, Petitioner admitted to engaging in homosexual conduct. Although the acts were consensual, the Petitioner was charged with sodomy and trial by court-martial.

c. On 7 June 1962, Petitioner requested an undesirable discharge for the good of the service to escape trial by general court-martial (GCM). Ultimately, the Separation Authority directed his

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separation with an Other Than Honorable (OTH) characterization of service by reason of Unfitness and, on 3 July 1962, Petitioner was so discharged.

d. Petitioner contends: (1) he grew up in a small town, knowing little about life beyond its borders. Joining the Navy opened his eyes to the world, and he embraced the adventure of life on board the ship. However, after a few years, he realized there was no acceptance for a gay person, and he was removed from the ship and discharged. Returning home was traumatic, as he had to lie about why he left the service early, a source of deep shame that has haunted him ever since. Although he initially struggled to find employment, he eventually built a successful career in the beauty industry. For nearly 52 years, he has generously donated his time to help the poor and needy, taught at beauty schools, and enjoyed a fulfilling life. Yet, despite his achievements, the pain of past injustices remains, and he hopes to convey that we are all human, and it matters not who we love-only that we love one another equally.

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 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.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. The Board noted that the Petitioner's record indicates he was discharged solely on the basis of homosexuality and found no aggravating factors or misconduct within his record. Therefore, the Board found that Petitioner was entitled to full relief under reference (c).

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record in the interests of justice:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 3 July 1962, Petitioner's narrative reason for separation was "Convenience of the Government-Other good and sufficient reason (non-derogatory) when determined by proper authority," the SPD code assigned was "21L," and the separation authority was "BUPERSMAN, Article C-10306."

That Petitioner be issued an Honorable Discharge Certificate.

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

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

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4. It is certified that 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 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.

11/5/2024

