



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

[REDACTED]
Docket No. 8564-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
USN, [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 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 her record be changed consistent with references (b) and (c).

2. The Board, consisting of [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 8 November 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 23 April 1964.

c. On 23 and 24 February 1965, Petitioner submitted a statement admitting to homosexual acts.

d. On 6 May 1965, Petitioner submitted a request to accept an undesirable discharge for the good of the service to escape trial by court-martial for charges related to homosexual acts prior to her enlistment. Ultimately, her request was approved, and on 4 June 1965, Petitioner was

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discharged with a General (Under Honorable Conditions) (GEN) characterization of service due to unsuitability/Sexual Deviant (Aberrant Tendencies).

e. Petitioner contends the following injustices warranting relief:

(1) She has never been nor is she a lesbian or sexual deviant;

(2) The discharge was based on her actions prior to being enlisted and in no way are sexual deviancy related.

(3) She was dating a 32-year-old married Sailor and was advised by her attorney to not ruin the 12-year career of the Sailor she was seeing so she was offered and accepted an discharge instead of revealing their relationship; and

(4) She has been married to a man for 56 years.

f. 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 normally grant requests to change the characterization of service to "Honorable," narrative reason for discharge to "Secretarial Authority," and a SPD code to "JFF," 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 she was discharged solely on the basis of homosexuality and found no aggravating factors within her 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 4 June 1965, Petitioner's characterization of service was "Honorable," the narrative reason for separation was "Other good and sufficient reason (non-derogatory) when determined by proper authority," the SPD code assigned was "21L," and the separation authority was "BUPERSINST 1900, Art. C-10306," and her reentry code was "RE-1J."

That Petitioner be issued an Honorable Discharge Certificate.

That no further correction action be taken on Petitioner's naval record.

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

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.

12/10/2024

