



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

[REDACTED]
Docket No. 9826-24
Ref: Signature Date

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) Bureau of Naval Personnel Manual
(c) USD (P&R) Memo, "Correction of Military Records Following Repeal of Section 654 of Title 10, United States Code," 20 September 2011
(d) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997

Encl: (1) DD Form 149 w/attachments
(2) NAVPERS 603, Shipping Articles, 25 July 1950
(3) Form H-5, Abstract of Service
(4) NAVPERS-601, Administrative Remarks
(5) [REDACTED] Statement, 12 June 1952
(6) J [REDACTED] Statement, 17 June 1952
(7) Medical History, 13 June 1952
(8) Medical History, 15 June 1952
(9) Medical History, 21 June 1952
(10) [REDACTED] CO Memo AM 123/EEH:eeh P19-1 Serial: 258, subj: [Subject], report of conduct of and request for awarding of undesirable discharge, 25 September 1952
(11) [REDACTED] Statement, 7 August 1952
(12) [REDACTED] Statement, 7 August 1952
(13) Subject's Statement, 22 September 1952
(14) Charge Sheet, 24 September 1952
(15) Subject's Statement, 25 September 1952
(16) Board Recommendation for Undesirable Discharge, 8 October 1952
(17) BUPERS Memo Pers-B221F-dp, subj: [Subject] Undesirable discharge in the case of, 9 October 1952
(18) DD Form 214
(19) NAVPERS-61/NAVSANDA-512, Record of Discharge, Release from Active Duty, or Death, 24 October 1952

1. Pursuant to the provisions of reference (a), the Subject's next of kin, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Corrections of Naval Records, hereinafter referred to as the Board, requesting that the Subject's characterization of service be upgraded to

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honorable, that his narrative reason for separation be changed to “Secretarial Authority” (with a corresponding correction to his separation code), and that his reentry code be changed to “RE-1J.”¹ Petitioner further requested deletion of a statement that the Subject was not recommended for reenlistment in block 38 of his DD Form 214.

2. The Board reviewed Petitioner's allegations of error or injustice on 14 February 2025 and, pursuant to its governing policies and procedures, determined that the corrective action indicated below should be taken on Petitioner's naval record in the interests of justice. Documentary material considered by the Board included the enclosures; relevant portions of the Subject's naval record; and applicable statutes, regulations, and policies.
3. Having reviewed all the evidence of record pertaining to Petitioner's allegations of error or injustice, the Board 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 waive the statute of limitations and review Petitioner's application on its merits.
 - c. The Subject enlisted in the U.S. Navy and began a period of active duty service on 25 July 1950. See enclosure (2).
 - d. The Subject reported for duty aboard the [REDACTED] on 17 October 1950. See enclosure (3).
 - e. On 29 August 1951, the Subject received non-judicial punishment (NJP) for failing to obey the orders of and disrespect toward a senior petty officer. His punishment consisted of the deprivation of 14 days of shore liberty. See enclosure (4).
 - f. On 12 and 17 June 1952, respectively, two of the Subject's shipmates aboard the [REDACTED]

¹ The Subject died on 11 April 2008.

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[REDACTED] provided written statements accusing him of homosexual conduct.²³

g. On 13 June 1952, the Subject was found beating his head on the deck in the crew living compartment aboard the [REDACTED] and had to be restrained to prevent him from harming himself. When the Chief Hospitalman arrived, the Subject reportedly complained that he could not stand that everyone on the ship was calling him a "queer" when he was not. He also reportedly stated, "I don't know what is the matter with me, I get funny feelings and have to go take a cold shower and get out in the wind to control myself." He was diagnosed with schizophrenia "caused from SEXUAL DEVIATION" and transferred to the [REDACTED] for treatment and disposition. See enclosure (7).

h. Upon his arrival to and evaluation aboard the [REDACTED], the Subject's diagnosis was changed from a schizophrenic reaction to an anxiety reaction. According to the medical records from his treatment aboard the [REDACTED], the Subject reported that his shipmates aboard the [REDACTED] began accusing him of "being queer" shortly after he arrived on board based upon the way he talked, walked, dressed, etc., and that the accusation had become more prevalent over the past year. He also reported that he had been relieved of duty as a mess cook by the division officer who stated that he could not work in the galley until the homosexual complaints against him had been resolved.⁴ The evaluating medical officer opined that the Subject "may be a sexual deviate," but did not believe him to be schizophrenic. As a result of this assessment, the Subject was transferred to the [REDACTED] for treatment and disposition. See enclosure (8).

i. The Subject was treated at [REDACTED] from 21 June 1952 to 3 July 1952. The medical record from this treatment recorded that the Subject claimed to have received advice from his Executive Officer (XO) regarding how to deal with the allegations of homosexuality.

² Following is the substance of a statement provided by one of the Subject's shipmates, [REDACTED], on 12 June 1952:

About on [sic] year ago I was on liberty in [REDACTED]. and I saw a couple of buddies from the same ship I was from. We decided to get a hotel room together that night and share the expense.

That night when I came to the hotel room [the Subject] and [REDACTED], my buddies were already in bed, so I took a couple of blankets and went to sleep on the floor. After a while I was awaken [sic] by [the Subject] and [REDACTED] talking [REDACTED] was telling [the Subject] to stop, that he wanted to get some sleep. It was to [sic] dark to see what [the Subject] was doing. The next day [REDACTED] told me he started to sleep on the floor with me because [the Subject] bothered him all night.

Some time later [REDACTED] and I were writing a letter in the machine shop aboard ship. [The Subject] started talking to with us [sic] and told [REDACTED] he did not have to be writing girls as long as he had him. In a few minutes [the Subject] grabbed [REDACTED] by his penis and hugged [REDACTED] [The Subject] also did this to me. [REDACTED] and I told him to leave and in a few minutes he left.

See enclosure (5).

³ Following is the substance of a statement provided by other of the Subject's shipmates, [REDACTED], on 17 June 1952: "About one month ago, I saw [the Subject] and [REDACTED] lying together in the same bunk. [The Subject] had his head on [REDACTED]'s stomach kissing him." See enclosure (6).

⁴ It appears that this incident may have prompted the Subject's self-harming incident referenced in paragraph 3g above.

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Specifically, the Subject allegedly reported that the XO advised him to "play along" with the joke and to not get openly angry. He claimed that he began "playing the game" with the other men aboard the ship based upon this advice, until he was accused of propositioning other Sailors for homosexual activity. The clinical psychologist who conducted the evaluation found the Subject fit for full duty but opined that a transfer to another command would be beneficial to the Subject's overall well-being in the Navy. See enclosure (9).

j. The Subject was briefly returned to the [REDACTED] before being reassigned to the [REDACTED] on 5 August 1952. See enclosure (3). Shortly after his arrival, the [REDACTED] commander requested that the U.S. Army Criminal Investigation Division (CID) in [REDACTED] initiate an investigation to resolve the allegations made against the Subject. See enclosure (8).

k. On 7 August 1952, [REDACTED] (the Sailor referenced in footnotes 2 and 3 above) provided the following sworn statement to Army CID agents after being advised of his rights:

I first met [the Subject] when I came aboard the [REDACTED] that was April 12, 1951. They put me in the same division so I got to know him quite well. He seemed a little strange to me so I asked some of the other fellows if he was queer. They told me he wasn't, that it was just his way and actions and there wasn't anything wrong with him.

I didn't have much to do with him at first, I mean like going on liberties and being a buddy of his until Seal came up to me one day and asked me why I didn't like [the Subject]. I told him I didn't like his actions and I thought there was something wrong with him. He too told me there wasn't and said [the Subject] liked me and wanted to go with me on liberty so I decided I would and maybe he was alright after all. He did seem just like anybody else, on liberty. We went to a movie and went back to the ship.

A few days later I was awakened by [the Subject] at my rack. I don't remember if he had just come off liberty or was on watch. Anyway he said he wanted to talk to me. I told him to get away from me and let me sleep and he left then. Later on, on [sic] or two days maybe, I was awakened again by [the Subject] kissing me on the arm. When I told him to leave me alone, he asked me if I was mad at him. I said no I just didn't want him coming over and waking me up when he left.

I believe it was the next night when I was awakened again. This time he was kissing my arms and chest and I got pretty mad by this time and told him I was going to turn him in if he ever did it again. After that he didn't do anything until the time in [REDACTED]

I was on liberty by myself that night and later on ran into [the Subject] and [the Sailor who wrote the statement at footnote 2]. It was getting late by this time and I told them I thought I would get a room and stay in town overnight. They said they already had a room and asked me to stay with them, so I did. Early in the morning I was awakened, it was around [sic] 04:00. [The Subject] was running his hands over my body and kissing me on the shoulder. I got out of bed and said I was going to leave, he begged me to stay and said he wouldn't do it again. He didn't do it again after that until we were overseas then he started it

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again, that's when they turned him in for being queer. That's all I know.

See enclosure (11).

1. Also on 7 August 1952, [REDACTED] made the following statement to same Army CID agents referenced in paragraph 3k above:

I came aboard the [REDACTED] on October 13, 1950 and met [the Subject] about a week later. I never talked to him unless it was about the ship or where I came from. He didn't seem to want to be friends with me so I just kept away from him. I never have been on liberty with him but have passed him on the street a few times in [REDACTED]. Last April or May, when the ship was operating up in Korea I was just relieving the watch on gun mount 41 and [the Subject] came walking up to me. I was talking to the gun captain and [the Subject] said he wanted to talk to me. I told him I was busy and what did he want to talk about. He didn't say anything just moved up close to me and started to move his leg against mine. I told him to stop and then I moved over and sat on the ready service box between mt. 41 and mt. 42. There were three or four guys standing around and [the Subject] came up to me again. I told him to leave me alone and then he told me he wanted to blow me. It scared me so I moved again to the other side of the ready box. He came over where I was again and started rubbing his body against my legs. I told him if he didn't quit I would hit him in the mouth. He stopped and asked me why I didn't like him. I told him I didn't think he was a normal personal, that I thought he was sick. Then he said to me that he liked me very much. I told him just to treat me like a shipmate and no more. Then he told me I had to be his friend or his worst enemy. I told him to leave me alone and then he walked away from me. The next night we swept at night and when we secured I went up on watch. When I got there [REDACTED] pointer on the gun, told me [the Subject] wanted to see me in the minesweep locker, told me that [the Subject] told him that he had baked a pie for me and that he, [the Subject], wanted to blow me. I got permission from the bridge to go below and went immediately to [REDACTED] my division petty officer and told him what I have written above. He told me not to worry and to keep away from [the Subject].

The next day I was working on the forecastle and [the Subject] came walking up to me. I jumped up and went back on the fantail to keep away from him. He called me but I didn't stop. I went back up about ten minutes later and he was gone. About twenty minutes after that he came walking up again. I stood up and he said don't leave. I told him that I couldn't stop work every time he came up to me so to please leave me alone. Then he said to me I just want to be your friend, I said, I don't want a queer and a liar to me mine [sic] friend. He started to cry and left. A little later I was walking [sic] out on deck and he stepped out of a door and grabbed my arm. I told him to let me go and he said, I want you to tell [REDACTED] that I'm a queer and then I'll turn myself in. I said I would and he let me go.

See enclosure (12).

m. On 22 September 1952, the Subject made the following statement to the Army CID agents after being advised of his rights:

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I used to be on the [REDACTED], and I know a lot of boys on that ship have accused me of making "passes" at them. I have "played" with a lot of these boys like they played with me, but they took it serious. The only homosexual experiences I have had have been with civilians. About October and November 1951, when we were in [REDACTED], I would hitch-hike to [REDACTED], and several of the times I was picked up by queers. I let some of these people give me "blow jobs", and it was always in their automobiles. Practically all the time when I had these "blow jobs" I was paid five or ten dollars. I do not remember the names of any of these queers. The last time I had a "blow job" from a civilian queer was two weeks ago about the fifteenth of September 1952. A man about forty-five years old with some grey hair, who weighted about 160 pounds, picked me up in his new automobile at [REDACTED] and [REDACTED]. He offered me ten dollars to let him give me a "blow job." Then he said that he would give me five dollars and the telephone of a blonde girl who he said was his sister. I agreed and he drove off on a farm road between [REDACTED] [REDACTED] where he stopped the care and "went down on me." He gave me the telephone number, but I never used it. This was the last homosexual act I was involved in. I admit that I have homosexual tendencies because I allow these things to happen. I believe it would be best for me if I got out of the Navy, since all the talk has started about me on the ship.

See enclosure (13).

- n. On 24 September 1952, the Subject was charged with commission of an indecent, lewd and lascivious act in violation of Article 134, Uniform Code of Military Justice (UCMJ).⁵ See enclosure (14).
- o. On 25 September 1952, the Subject requested an undesirable discharge for the good of the service and to escape trial by general court-martial. See enclosure (15).
- p. By memorandum dated 25 September 1952, the [REDACTED] commander forwarded Petitioner's request for discharge to escape trial by general court-martial to the Chief of Naval Personnel (CNP) along with his recommendation that the Subject be separated from the Navy with an undesirable discharge. See enclosure (10).
- q. On 9 October 1952, an administrative board unanimously recommended that the Subject request for an undesirable discharge for the good of the service and to escape trial by general court-martial be approved. See enclosure (16).
- r. By memorandum dated 9 October 1952, the CNP directed that the Subject be discharged from the Navy under other than honorable (OTH) for unfitness in accordance with Article 10312 of reference (b). See enclosure (17).
- s. On 24 October 1952, the Subject was discharged from the Navy under OTH conditions for unfitness in accordance with Article C-10312 of reference (b). See enclosures (18) and (19).

⁵ The indecent, lewd and lascivious act charged was that described by Petitioner's with the civilian on 15 September 1952, as referenced in paragraph 3m above.

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t. Petitioner, through counsel, asserts that the Subject was discharged from the Navy due solely to his sexual orientation and that there was no other misconduct in his record. Accordingly, Petitioner's counsel argues that the requested relief should be granted in accordance with reference (c).

u. Reference (c) provides that the Board should normally grant requests to change the narrative reason for separation (to "Secretarial Authority"), requests to re-characterize a discharge to "Honorable," and/or requests to change the reentry code to an immediately-eligible-to reenter category) when both of the following conditions are met: (1) the original discharge was based solely on the "Don't Ask, Don't Tell" (DADT) policy or a similar policy in place prior to enactment of DADT and (2) there were no aggravating factors in the record, such as misconduct.

CONCLUSION:

Upon careful review and consideration of all the evidence of record, the Board determined that equitable relief is warranted in the interests of justice.

The Board did not find the general guidance of reference (c) to be applicable to Subject's case. First, the record does not reflect that the Subject was discharged solely due to any policy prohibiting homosexual conduct in the Navy. Rather, the Subject was charged with indecent conduct in violation of Article 134, UCMJ, by allowing another man to perform an act of oral coition upon him in a public place, and then requested an undesirable discharge for the good of the service and to escape trial by general court-martial for this charge. Although the indecent act in question was homosexual in nature, the Subject could have been charged with the same offense even if it had been heterosexual in nature. More importantly, contrary to Petitioner's claim, there were aggravating factors such as misconduct in the Subject's naval record. Specifically, the Subject received NJP in August 1951, long before his sexual orientation presumably came to the attention of the command in June 1952, and there are multiple, corroborated statements in the record suggesting that the Subject's homosexual conduct manifested itself in physical contact of a nature which arguably would constitute sexual assault, and which at the very least would today be considered to be sexual harassment. As such, the Board did not find the general guidance of reference (c) to be applicable to the Subject's case.

Although the Board did not find the guidance of reference (c) to be applicable to the Subject's case, it did nonetheless find equitable relief to be warranted in the interests of justice. First, the misconduct in the Subject's record was minor. The NJP in his record did not warrant consideration of a discharge at the time and the punishment imposed was minimal. Additionally, although there was evidence that the Subject engaged in conduct which could be considered sexual assault, much of it was "horseplay" of the type commonly seen onboard a ship at sea and each witness statement revealed that the Subject ceased the unwelcome contact when asked. These factors, combined with the extreme passage of time, the Subject's relative youth and immaturity at the time of his service, the Subject's wartime service, and the evidence suggesting that the Subject was struggling mentally with the need to suppress his sexual orientation while serving in the Navy, convinced the Board that equitable relief is warranted in the interests of justice.

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RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on the Subject's naval record in the interest of justice;

That the Subject be issued a new DD Form 214 reflecting that his service ending on 24 October 1952 was characterized as "Honorable"; that the narrative reason for his separation was "Other good and sufficient reasons (non-derogatory) when determined by proper authority"; that his separation authority was "Art. C-10306 BuPers Manual"; and that his separation code was "21L."⁶ All other entries reflect on Petitioner's original DD Form 214 shall remain unchanged.

That the Subject's naval record be scrubbed to remove references to his discharge for unfitness and to replace such entries consistent with the corrections to the Subject's DD Form 214 recommended above.⁷

That the Subject be issued an Honorable Discharge Certificate, and that a copy of this certificate be provided to the Petitioner.

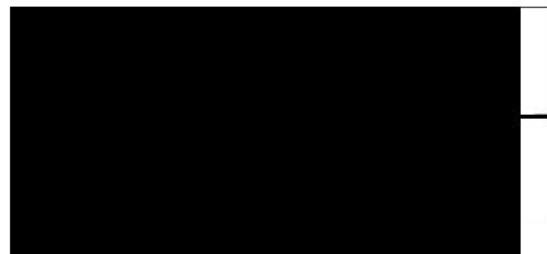
That a copy of this record of proceedings be filed in the Subject's naval record.

That no further corrective action be taken on the Subject'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 titled matter.

5. In accordance with Section 6e(2)(c) of Enclosure (1) to reference (d), I have determined that this case warrants Secretarial review. Accordingly, the foregoing action of the Board is submitted for your review and action in accordance with Sections 6e(1)(c) of Enclosure (1) to reference (d).

5/7/2025



⁶ The narrative reason, separation authority, and separation code recommended herein were the closest analogues in 1952 to what is today known as "Secretarial Authority" that the Board could identify.

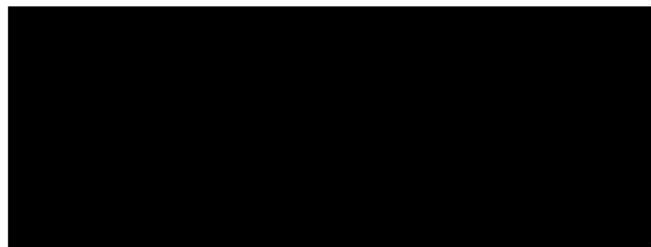
⁷ This includes, but is not limited to, correction of the NAVPERS-601 at enclosure (19).

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ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

Board Recommendation Approved (Grant Relief – I concur with the Board's conclusion and therefore direct the relief recommended by the Board above.)

Board Recommendation Disapproved (see attached memorandum)





THE ASSISTANT SECRETARY OF THE NAVY
(MANPOWER AND RESERVE AFFAIRS)
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

1070
AGC
4 December 2025

To: Executive Director, Board for Correction of Naval Records
From: Assistant General Counsel (Manpower and Reserve Affairs)

Subj: REVIEW NAVAL RECORD OF [REDACTED]
USN, XXX-XX-[REDACTED] (BCNR DOCKET NO. 9826-24)

Ref: (a) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997
(b) ASN (M&RA) Memo, subj: "Delegation of Authority," 19 April 2011
(c) USD (P&R) Memo, subj: "Correction of Military Records Following Repeal of Section 654 of Title 10, United States Code," 20 September 2011

Encl: BCNR Docket No. 9826-24, 7 May 2025

1. Per reference (a), the authority to approve a decision of the Board for Correction of Naval Records, hereinafter referred to as the Board, is reserved to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)) when the Board's Executive Director determines that the petition warrants Secretarial review. The Board's Executive Director indicated in paragraph 5 of the enclosure that she determined the subject case to warrant such review. Accordingly, the subject case falls within this reservation of approval authority. Per reference (b), the ASN (M&RA) delegated his authority to approve such decisions to the Assistant General Counsel (Manpower and Reserve Affairs).
2. Pursuant to this delegated authority, I hereby disapprove the recommendation of the Board in the subject case and direct the corrective action indicated in paragraph 5 below.
3. I concur with the Board's conclusion that the general guidance of reference (c) was not applicable to the Subject's case. He was not discharged solely due to his sexual orientation and there were aggravating factors such as misconduct in his naval record.
4. I also concur with the Board's conclusion that some equitable relief is warranted in the interests of justice. In particular, the Subject's wartime service, the passage of time, and the likelihood that bias against the Subject's sexual orientation influenced the characterization of service assigned to him in 1952, weighed in favor of such relief. However, I do not concur with the corrective action recommended by the Board. Specifically, I found that the Board understated the severity of the misconduct in the Subject's naval record, and as a result the Board recommended far more generous relief than is warranted under the circumstances. There is unrefuted evidence in the record that the Subject repeatedly touched his fellow Sailors in a sexual manner without their consent, including while they slept on several occasions. Such conduct would be devastating to the morale, trust, and readiness of a warship crew at sea, and

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would be severely punished as sexual assault today regardless of the offender's sexual orientation. The Subject also admitted to accepting money to participate in sexual activity with multiple partners. Such conduct would constitute prostitution and would also result in significant punishment even today. Based upon these conclusions, I found the mitigating circumstances insufficient to justify the extraordinary equitable relief recommended by the Board.

5. Based upon my conclusion discussed in paragraph 4 above, I disapprove the Board's recommendation reflected in the enclosure and direct instead that the Subject's naval record be corrected as necessary to reflect that he was separated from the Navy on 24 October 1952 under honorable conditions with a General discharge. No other corrective action is to be taken on the Subject's naval record.

