



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

██████████
Docket No. 10385-24
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 discharge be upgraded.

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 21 January 2025 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 began a period of active duty on 19 July 1966.

c. On 7 November 1966, Petitioner submitted a statement to the Office of Naval Intelligence admitting to homosexual acts.

d. On 21 November 1966, Petitioner was notified of administrative separation processing due to Unfitness because of his homosexual activity. He waived his procedural rights to consult with counsel and to have his case heard before an administrative discharge board. Ultimately,

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the Separation Authority directed his separation by reason of Unfitness-Class II homosexual and Petitioner was discharged with an Other Than Honorable (OTH) characterization of service on 14 December 1966.

e. Petitioner contends that the law has changed regarding serving while homosexual and a service member can no longer be discharged due to their sexuality.

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 an 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.

g. For purposes of clemency and equity consideration, Petitioner submitted his Certificate of Release or Discharge from Active Duty (DD Form 214) in support of his application.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. The Board noted Petitioner's record supports that he was solely discharged based on his sexuality. Additionally, the Board found no aggravating factors in Petitioner's record and determined he 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 14 December 1966, Petitioner's characterization of service was "Honorable," the narrative reason for separation was "Other good and sufficient reasons (non-derogatory) when determined by proper authority," the code assigned was "21L," the reenlistment code was "RE-1," and the separation authority was "BUPERSMAN 1900, Art. C-10306."

Petitioner will be issued an Honorable Discharge Certificate.

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

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.

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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.

