



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

██████████
Docket No. 10919-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████, USN,
██████████

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) and that the spelling of his first name be corrected.

2. The Board, consisting of ██████████ and ██████████, reviewed Petitioner's allegations of error and injustice on 24 February 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 16 August 1967.

c. On 16 August 1968, Petitioner received nonjudicial punishment (NJP) for attempting to commit suicide.

d. On 28 January 1969, Petitioner submitted a statement to the Office of Naval Investigative Service admitting his homosexuality.

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[REDACTED]

d. On 25 February 1969, a special court-martial (SPCM) found Petitioner guilty of a period of unauthorized absence totaling 15 days and he was sentenced to forfeiture pay, restriction to base, and hard labor.

e. Petitioner was subsequently notified of administrative separation processing due to homosexual acts. He waived his procedural rights to consult with counsel and to have his case heard before an administrative discharge board. Ultimately, the Separation Authority directed his separation by reason of homosexual acts and Petitioner was discharged with an Other Than Honorable (OTH) characterization of service on 19 March 1969.

f. Petitioner contends that: (1) his first name is incorrectly captured on his Certificate of Release or Discharge from Active Duty (DD Form 214), (2) he experienced severe discrimination, harassment, bullying, and defamation of character, including being subjected to derogatory slurs, despite performing the duties of a Yeoman Third Class as a non-rated Seaman for eight months and he was denied the opportunity to attend required training, and (3) these circumstances contributed to his emotional and mental distress, ultimately leading to his breakdown.

g. 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.

h. For the purposes of clemency and equity consideration, the Petitioner submitted the following documents: an [REDACTED] Veterans Service Letter, DD Form 214, state of [REDACTED] driver's license, official military personnel file (OMPF) records, a character reference letter, birth certificate, personal statement, and an email addressing the PTSD/Sexual Assault-Harassment sections of the 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 on the basis of homosexuality. Additionally, even though Petitioner's record contains additional misconduct, the Board concluded it was minor and did not form the basis for his administrative separation processing. Notably, one of the charges stemmed from an attempted suicide, and the Board determined punishing an individual for such an act is inherently unjust. Therefore, the Board found no aggravating factors in Petitioner's record and determined he was entitled to full relief under reference (c).

Furthermore, per the Petitioner's contentions, the Board identified the error in the Petitioner's first name on his DD Form 214.

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[REDACTED]

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 19 March 1969, the character of service was "Honorable," the narrative reason for separation was "Other good and sufficient reasons (non-derogatory) when determined by proper authority," the separation code was "21L," the reenlistment code was "RE-1," and the separation authority was "BUPERS Manual Art. C-10606."

Additionally, included in that new DD Form 214 should be a correction to the Petitioner's first name, reflecting [REDACTED]

Petitioner 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.

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.

3/18/2025

