



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

██████████
Docket No. 11944-24
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 that 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 14 April 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.

b. 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.

c. Petitioner enlisted in the U.S. Navy and began a period of active duty on 22 June 1954.

d. On 6 October 1955, Petitioner submitted a sworn statement admitting to committing a consensual homosexual act.

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[REDACTED], USN, XXX-XX-[REDACTED]

e. On 20 December 1955, Petitioner's commanding officer (CO) forwarded Petitioner's separation package to the separation authority (SA) recommending Petitioner be retained by stating, "Petitioner admits to one act of homosexuality as a passive partner while attached to [REDACTED]. He denies any other homosexual activity as a civilian or while in the Navy...a sample charge and specification was prepared...and when confronted by it, [Petitioner] signed an agreement to accept an undesirable discharge in lieu of trial by general court-martial. There is no doubt [Petitioner] was the passive participant in one homosexual act."

f. On 9 January 1958, an administrative discharge board found misconduct in Petitioner's case and recommended his undesirable discharge. Ultimately, the SA directed Petitioner's separation by reason of homosexuality and Petitioner was discharged with an Other Than Honorable (OTH) characterization of service of 31 January 1956.

g. Reference (c) sets forth the Department of the Navy'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 the guidance to normally grant requests to change the characterization of service to "Honorable," narrative reason for discharge to "Secretarial Authority," the separation code to "JFF1," and the 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.

h. Petitioner contends he has no memory of committing a homosexual act, only signed his discharge documents to avoid a court-martial, and had a stellar record prior to the incident that led to his discharge.

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, the Board found no aggravating factors¹ 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 the Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 31 January 1956, Petitioner's narrative reason for separation was "Other good and sufficient reasons (non-derogatory) when determined by proper authority," his separation code was "21L," and his separation authority was "BUPERSINST 1900, Art. C-10306."

¹ The Board noted Petitioner's denial of any consensual homosexual acts and found his current contentions inconsistent with his sworn statement from October 1955. Therefore, while the Board determined Petitioner's admission of committing a homosexual act did not amount to an aggravating factor under reference (c), they determined he was properly discharged, in accordance with existing policy at the time, based solely on his sworn statement.

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[REDACTED], USN, XXX-XX-[REDACTED]

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.

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.

4/21/2025

[REDACTED]

Executive Director

Signed by: [REDACTED]