



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

Docket No. 0110-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
USN, XXX-XX-[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 with attachments
(2) Case summary

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 characterization of service be upgraded consistent with references (b) and (c).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error on 31 March 2025 and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and 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 enclosure (1) 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 Navy and began a period of active service on 23 July 1963. On 23 February 1964, Petitioner received non-judicial punishment (NJP) for consuming alcohol as a minor and being found drunk while on duty as a duty driver, and thus incapacitated for the proper performance of his duties. On 16 May 1964, Petitioner was assigned a performance mark of 2.6 in Military Behavior due to occasional laxity in obeying commands and regulations.

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d. On 9 January 1965, Petitioner provided a statement admitting to having had homosexual relations on two occasions during military service. He subsequently requested an undesirable discharge for the good of the service and to escape trial by court-martial for homosexual conduct. Consequently, he was recommended for discharge by reason of unfitness due to homosexual involvement, and on 29 January 1965, he was so discharged.

e. Petitioner contends current military policy allows openly gay individuals to serve in the Navy, and that if this policy was in place during his service, he would not have been discharged. In support of his application, he provided a legal brief with exhibits, including his personal affidavit.

f. 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," separation code to "JFF," and 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.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants relief. The Board reviewed the application under the guidance provided in references (b) and (c).

The Board noted, and does not condone Petitioner's misconduct, but opined he was discharged not due to the misconduct, which occurred a year prior to his discharge, but solely due to his homosexual admission. The Board further noted that Petitioner's performance marks, specifically in Military Behavior, did not meet the requirement set at the time of service for an Honorable characterization, but concluded it likely his marks were negatively impacted by his admission of homosexuality, which was not widely accepted at the time of his service. Therefore, the Board found that Petitioner merits full relief under reference (c).

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 29 January 1965, indicating a characterization of service of "Honorable," a narrative reason for discharge of "Other good and sufficient reasons (non-derogatory) when determined by proper authority," authority of "BUPERSMAN Art C-10306, and code "21L."

That Petitioner be issued an Honorable Discharge Certificate.

That no further changes be made to Petitioner's record.

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

4. It is certified a quorum was present at the Board's review and deliberations, and 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 Regulation, 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.

4/3/2025

