



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

■
Docket No. 0697-25

Ref: Signature date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF ■■■■■
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 with attachments

(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her husband's record be changed consistent with references (b) and (c). Enclosure (2) applies.

2. The Board, consisting of ■■■■■, reviewed Petitioner's allegations of error and injustice on 5 May 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, policies to included 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, it is in the interest of justice to review the application on its merits.

c. Petitioner is service member's (SM's) widow. SM enlisted in the Navy on 14 August 1950 and completed a period of Honorable service on 9 August 1955. Following a break in service, SM reenlisted and commenced a second period of active duty on 18 March 1958.

d. On 9 October 1958, SM admitted to numerous homosexual acts while on active duty.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
USN, XXX-XX-[REDACTED]

e. On 30 October 1958, SM accepted an undesirable discharge for the good of the service to escape trial by general court-martial because of his homosexuality. Ultimately, the separation authority directed his separation by reason of Unfitness-Class II homosexual and SM was discharged with an Other Than Honorable (OTH) characterization of service on 10 March 1959.

f. Petitioner contends that: (1) SM served in the Navy for a total of 5 years, 11 months, and 12 days, (2) SM served in the [REDACTED] for a total of 1 year, 10 months, and 21 days, and (3) SM's discharge for reasons of homosexuality violates the current DADT policy. For purposes of clemency and equity consideration, Petitioner provided a copy of SM's death certificate, marriage record, and DD Form 214s.

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 "JFF," and the reenry code to "RE-1," 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 the evidence of record, the Board determined Petitioner's request warrants relief.

The Board noted SM's record supports that he was solely discharged on the basis of his homosexuality. Additionally, the Board found no aggravating factors in SM's record and determined he was entitled to full relief under reference (c).

RECOMMENDATION:

In view of the above, the Board directs the following corrective action be taken on SM's naval record in the interests of justice:

That SM be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), reflecting that, for the period ending 10 March 1959, SM'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 SPD code assigned was "21L," the reenlistment code was "RE-1, and the separation authority was "BUPERSMAN 1900, Art. C-10306.

SM will be issued an Honorable Discharge Certificate.

No further changes be made to SM's record.

A copy of this report of proceedings be filed in SM's naval record.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
USN, XXX-XX [REDACTED]

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 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.

5/20/2025

