



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

██████████
Docket No. 1302-25
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,
██████████

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 6 June 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 2 October 1956.

d. On 5 February 1957, Petitioner was convicted in ██████████, ██████████, of contributing to the delinquency of a minor for possessing whiskey in an automobile with minor girls. He was sentenced to pay a \$15.00 fine in addition to court costs.

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[REDACTED]

e. On 23 December 1958, Petitioner submitted a statement to the office of naval intelligence in which he acknowledged engaging in homosexual acts for monetary compensation.

f. On 30 December 1958, Petitioner received nonjudicial punishment (NJP) for a five-hour and 30-minute period of unauthorized absence (UA).

g. On 10 January 1959, Petitioner received a medical examination where Petitioner stated his sole motivation for participating in homosexual acts was the financial compensation he received. The medical officer noted Petitioner, "denies deriving pleasure from these acts and has never been an active participant. He displays no abnormal behavior, and shows good insight into the problem. His past history is that of a normal well adjusted upbringing. I believe this person is not a true or latent homosexual." Subsequently, Petitioner signed an agreement to accept an undesirable discharge in lieu of trial by general court-martial; which was approved by his commanding officer.

h. On 20 January 1959, the separation authority directed Petitioner's separation by reason of homosexuality and Petitioner was discharged with an Other Than Honorable (OTH) characterization of service on 27 January 1959.

i. Petitioner contends he was discharged at the age of 19. He asserts that he was coerced into admitting to allegations that were untrue during an interrogation, under the belief that doing so would result in an Honorable discharge. He was deeply upset upon learning that he was instead discharged with an OTH characterization. Over the years, the nature of his discharge has increasingly weighed on him. Since separation, he has lived a heterosexual life with his wives and children. He remains proud of his military service and request that his discharge be upgraded to reflect the dedication and commitment he gave to his country. He has long desired to share that pride with his family but the stigma of his discharge characterization continues to affect him to this day.

j. 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.

k. For purposes of clemency and equity consideration, the Board considered the totality of Petitioner's application; which consisted solely of his DD Form 149 without any other additional documentation.

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 civil misconduct, the Board concluded it was minor and did not form the basis for his administrative separation processing. Therefore, the Board found no aggravating

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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 27 January 1959, Petitioner was discharged with an "Honorable" characterization of service, narrative reason for separation of "Other good and sufficient reasons (non-derogatory) when determined by proper authority," separation code of "21L," and separation authority of "BUPERSINST 1900, Art. C-10306."

Petitioner be issued an Honorable Discharge Certificate.

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.

6/24/2025

