



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD  
ARLINGTON, VA 22204

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Docket No. 7126-25  
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 a change to his record consistent with references (b) and (c).

2. The Board, consisting of ■■■■■■■■■■, ■■■■■■■■■■, and ■■■■■■■■■■, reviewed Petitioner's allegations of error and injustice on 21 November 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 statute of limitation was waived in accordance with the Kurta Memo.

c. Petitioner enlisted in the Navy and began a period of active duty on 21 July 1959.

d. On 15 April 1962, Petitioner admitted to homosexual urges and fondling another service member. On 11 January 1963, Petitioner was interviewed in connection with his alleged homosexuality. He elected to consult with counsel and requested to have his case heard before an administrative Field Board. The Field Board determined that misconduct occurred and recommended Petitioner be discharged with an Other Than Honorable (OTH) character of

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USN, [REDACTED]

service. However, the Separation Authority directed Petitioner be separated with a General (Under Honorable Conditions) discharge by reason of Unfitness. Petitioner was so discharged on 4 February 1963.

e. 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 reenry 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. However, based on the time frame of Petitioner's discharge, reenlistment codes were not applicable and he would not have been issued one.

f. Petitioner contends that accusations of engaging in homosexual activities were never proven. He stated that others appeared in court, stated he was not a homosexual, and that there was no evidence presented against him. For purposes of clemency and equity consideration, Petitioner submitted an Application for Correction of Military Records (DD Form 149) and his Certificate of Release or Discharge from Active Duty (DD Form 214).

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief.

Upon further review of his record, the Board noted Petitioner's record supports that he was solely discharged on the basis of homosexuality. Therefore, the Board determined that there were no aggravating factors<sup>1</sup> in Petitioner's record and determined he was entitled to full relief under reference (c)<sup>2</sup>.

#### 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 DD Form 214, for the period ending 4 February 1963, reflecting that he was discharged an Honorable characterization of service, Art. C-10306 "Other good and sufficient reasons (non-derogatory) when determined by proper authority" and BuPers Manual-21L reason for separation and authority.

That all other information currently listed on Petitioner's DD Form 214 remain the same.

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<sup>1</sup> The Board determined it was unclear whether Petitioner's homosexual admission of fondling another service member was an indecent assault. However, based on the fact Petitioner was not prosecuted for assault, the Board determined the evidence was insufficient to support a finding that it amounted to an aggravating factor.

<sup>2</sup> The Board made no determination on Petitioner's claim that he was erroneously discharged based on lack of evidence that he committed a homosexual act and relied solely on reference (c) in granting relief. However, as explained above, the Board noted Petitioner admitted to his homosexual act in a sworn statement.

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USN, [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.

12/1/2025

