

Subj: REVIEW OF NAVAL RECORD [REDACTED] USN,
[REDACTED]

e. In January 1962, SM made admissions that he had engaged in approximately 35 homosexual acts since the age of 15. He also admitted the most recent homosexual acts occurred while on active duty in May or June 1961. Following his admission, SM signed an agreement to accept an undesirable discharge from the naval service for the good of the service and to escape trial by general court martial. As part of the agreement, SM waived his procedural rights to appear before an administrative discharge board and to submit a statement on his own behalf. Ultimately, the separation approved SM's request and he was so discharged on 1 February 1962.

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," the separation code to "JFF1," and the reentry code¹ 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.

g. Petitioner contends that President Obama signed the DADT Repeal of 2010 and therefore SM's character of service should be changed to Honorable. For purposes of clemency and equity consideration, Petitioner submitted an Application for Correction of Military Records (DD Form 149), SM's Certificate of Release or Discharge from Active Duty (DD Form 214), SM's death certificate, their marriage license, and a copy of the [REDACTED] Memo of 20 Sep 11.

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 SM record supports that he was solely discharged on the basis of homosexuality. Additionally, despite the existence of a NJP in his record for reading while on lookout post, the Board determined SM's misconduct was minor and not considered an aggravating factor. Therefore, the Board determined Petitioner 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 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), for the period ending 1 February 1962, reflecting that he was discharged with an "Honorable" characterization of service with a reason and authority of "Art. C-10306 Other good and sufficient reasons (non-derogatory) when determined by proper authority" and "BuPers Manual- 21L."

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

That SM be issued an Honorable discharge certificate to be provided to Petitioner.

¹ Based on the time frame of SM's discharge, reentry codes were not issued.

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

That a copy of this record of proceedings be filed in SM'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.

3/12/2026

