



Docket No. 10149-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF

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 [REDACTED] reviewed Petitioner's allegations of error and injustice on 5 December 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 Navy and began a period of active duty on 19 July 1949. After a period of continuous Honorable active service, Petitioner immediately reenlisted on 6 December 1952.

d. On 1 October 1953, Petitioner received non-judicial punishment (NJP) for missing quarters. On 26 February 1954, he received another NJP for shirking his duties. On 19 October

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[REDACTED]

1954 and 23 December 1954, Petitioner was convicted by separate special courts-martial for three periods of unauthorized absence, totaling 33 days.

e. On 8 May 1957, Petitioner was charged with two specifications of sodomy and with wrongfully communicating a threat to another service member. He subsequently requested an undesirable discharge under Other Than Honorable (OTH) conditions for the good of the service in order to escape trial by general court-martial. The Commanding Officer forwarded this request to the Separation Authority who directed an OTH discharge. Petitioner was so discharged on 19 June 1957.

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 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.

g. Petitioner contends that he has spent the better part of his life reflecting on his time in service and the circumstances that led to his discharge. He stated that he is haunted by the fact that the official record does not reflect the service he hoped to give to his country. He is not seeking benefits or compensation, only peace and to reconcile his past with the life he has lived.

#### CONCLUSION:

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

While the Board noted that there is documented misconduct in Petitioner's record, it considered that Petitioner was not processed for administrative separation as a result of his previous misconduct and he continued to serve over two years after his last documented incident. Further, the Board observed that Petitioner's record supports that he was solely discharged on the basis of homosexuality. Therefore, the Board determined that Petitioner's previous misconduct did not amount to an aggravating factor in Petitioner's record and determined he was entitled to full relief under reference (c). However, based on the time frame of Petitioner's discharge, the Board noted that reenlistment codes were not issued and he is not entitled to one.

#### 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), for the period ending 19 June 1957, indicating he was discharged with 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.

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[REDACTED]

That 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.

12/10/2025

