



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD SUITE 1001

ARLINGTON VA 22204-2490

BAN

Docket No. NR03153-14

30 December 2014

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

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

Ref: (a) 10 U.S.C. 1552  
(b) SECNAVINST 1910.4B  
(c) 10 U.S.C. 654 (Repeal)

Encl: (1) DD Form 149 with attachments  
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting, in effect, that his characterization of discharge be changed from a general to an honorable characterization due to his homosexual admission.

2. The Board, consisting of Mr. Chapman, Ms. White-Olson, and Mr. Green reviewed Petitioner's allegations of error and injustice on 22 October 2014 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

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. Petitioner enlisted in the Navy on 11 July 1975, and served without any disciplinary incidents. However, he was admitted into the Cherry Point Naval Hospital in North Carolina on 22 April 1977 for psychiatric observations.

c. While at the hospital, Petitioner self-admitted to homosexual activity. Therefore, he was recommended for separation with a general discharge due to homosexual acts while on active duty service.

d. ~~Petitioner sought counsel but waived his right to an~~ administrative hearing at the time of his administrative processing for separation in lieu of a general discharge. Therefore, on 27 May 1977, he was separated with a general discharge.

e. Reference (b) sets forth the Department of the Navy's policies, standards, and procedures for administratively separating enlisted service members due to homosexuality. Reference (c) sets forth the Department of the Navy's policies, standards, and procedures for correction of military records following the "Don't Ask, Don't Tell" (DADT) repeal of title 10, United States Code, section 654. It also provides service discharge review boards with the authority to grant requests to change the narrative reason for separation to "Secretarial Authority" when the original discharge was based solely on DADT and there are no aggravating factors in the record, such as misconduct.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of reference (c), the Board concludes that Petitioner's request warrants favorable action in the form of relief.

The Board concludes that based upon his overall record of service and the Navy's policy as established in reference (c), that his characterization of service be changed. In view of the above, the Board directs the following corrective action.

#### RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that he was assigned a characterization of service of honorable vice general on 27 May 1977.
  - b. That a new Certificate of Release or Discharge from Active Duty (DD Form 214) be issued.
  - c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
  - d. That the Department of Veterans Affairs be informed that Petitioner applied to this Board on 7 January 2014.
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) 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 proceeding~~  
in the above entitled matter.

*for*  
DAVID J. CASH  
Recorder

5. Pursuant to the delegation of authority set out in Section 5(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.

30 December 2014

*Robert J. O'Neill*  
ROBERT J. O'NEILL  
Executive director