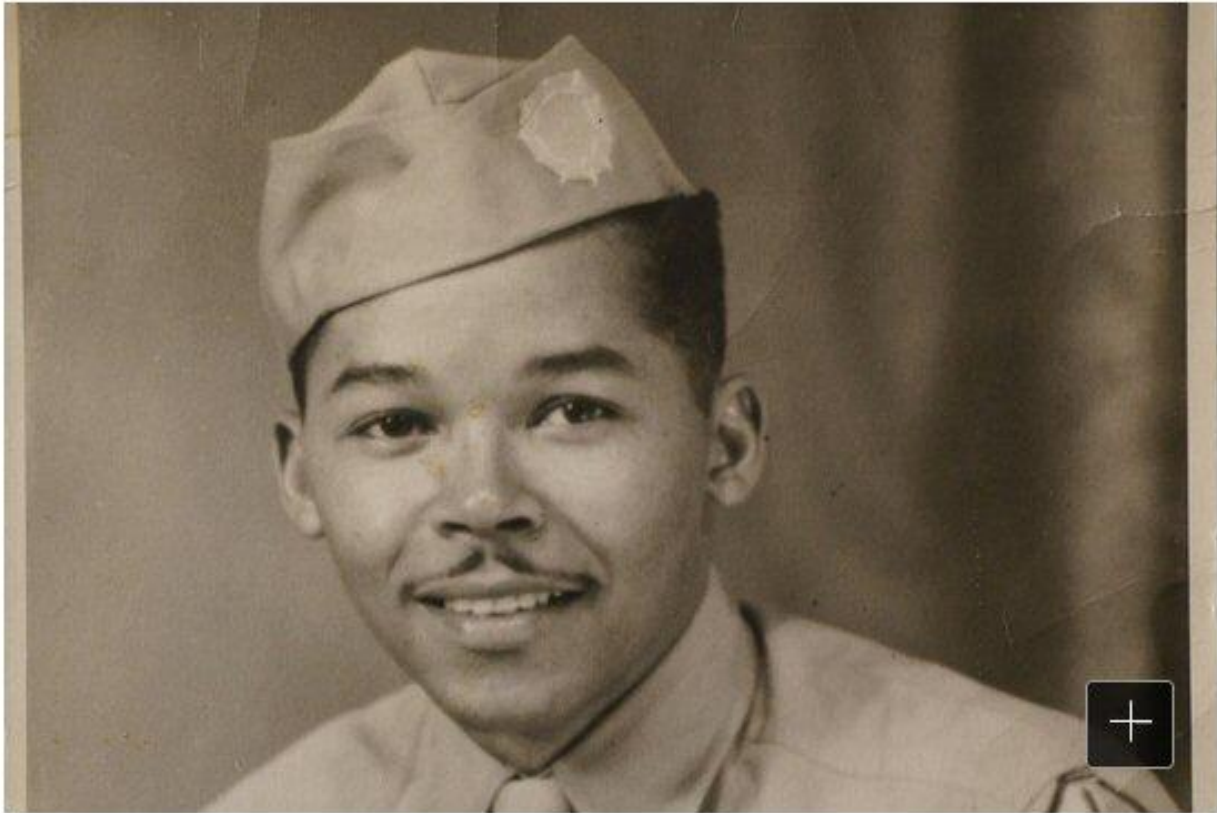


Army agrees to expedite appeal for WWII veteran, 95, seeking honorable discharge

by [Melanie Burney](#), Updated: May 21, 2019



The Army has agreed to speed up the appeal of World War II veteran Nelson Henry Jr., 95, of Philadelphia, who is seeking to change his separation from the military in 1945 to an honorable discharge.

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In separate letters to Pennsylvania Sens. [Bob Casey](#) and [Pat Toomey](#), the Army Review Boards Agency said Henry's case had been slated for "expeditious processing" because of his age. The review typically takes at least 18 months. Henry will turn 96 on June 15.

Both senators intervened after a story about Henry's plight was published in The Inquirer. Magdalena Jagla, a Toomey spokesperson, said, "Staff has been working with the Army to ensure that Mr. Henry's request receives all due consideration."

"I cannot provide you a specific timeline for completion but I can assure you that Mr. Henry's case is being processed as quickly as possible," wrote Victoria A. Courtney, the agency's chief congressional liaison.



DEPARTMENT OF THE ARMY
ARMY REVIEW BOARDS AGENCY
251 18TH STREET SOUTH SUITE 305
ARLINGTON, VA 22202-3531

May 8, 2019

Congressional Liaison and Inquiries/vac
Henry, Nelson
HQDA20190508MM2X30

The Honorable Patrick Toomey
United States Senator
1150 South Cedar Crest Boulevard
Allentown PA 18103

Dear Senator Toomey:

This responds to your inquiry concerning the military records of your constituent Mr. Nelson Henry.

Your constituent has an open application (AR20190003834) being reviewed by the staff of the Board to ensure it complies with applicable statutes and governing Army regulations before presentation to the Board.

The ABCMR has identified Mr. Henry's case for expeditious processing based on his age. His case has been assigned to an analyst for review. Once the review is completed, the packet will be sent to the Board for consideration. I cannot provide a definitive timeline for completion but can assure you Mr. Henry's case is being processed as quickly as possible.

Once a decision is rendered, your office and Mr. Henry will be notified by separate correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria A. Courtney".

Victoria A. Courtney
Chief, Congressional Liaison and Inquiries

William Sharper, an Army spokesperson, said Tuesday: "It's the highest priority."

Henry's son, Dean, 66, of Berwyn, said his father was encouraged by the news, but would not "get too excited until [the appeal] goes through." Nelson Henry tried in the 1940s to have his discharge changed and then stopped trying until recently.

"He's been disappointed so much that I don't want to think too far down the line," said Dean Henry. "I'm praying about it."



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Nelson Henry Jr., shown here with his son, enlisted in the Army in 1942. His attorneys want the military to change the "blue discharge" that Henry received in 1945.

Nelson Henry Jr., shown here with his son, enlisted in the Army in 1942. His attorneys want the military to change the "blue discharge" that Henry received in 1945.

Nelson Henry's lawyers filed an appeal in March asking the Army to change his "discriminatory" blue discharge to honorable, nearly 75 years after Nelson was separated from the military in 1945. Between 1941 and 1945, more than 48,000 soldiers were given "blue discharges." The Army replaced them in 1947 with two new classifications, general and undesirable.

The "blue discharge," neither honorable nor dishonorable, denied veterans benefits such as the GI Bill to get a college education, or the right to have an honor guard at their funeral. A disproportionate number of those discharges were given to black, gay, and lesbian service members.



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Nelson Henry was among thousands of black soldiers given a “blue discharge,” which is neither honorable nor dishonorable. The stigma of the designation denied veterans benefits.

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World War II Army veteran Nelson Henry believed he had no choice when his superiors offered him a “blue discharge” in 1945 to leave [stripes.com](#)

Henry had several several minor infractions that his lawyers contend were unsubstantiated that landed him in the stockade for 30 days. Fearing that things would only get worse, Henry reluctantly accepted a suggestion from his superior officer to accept a blue discharge, an administrative separation that avoided a court martial but also the right to an attorney or to hear evidence against him.

“I was furious, to tell you the truth. I had no choice,” Henry said during a recent interview in his Logan Square apartment.



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After serving in the Army during World War II, Nelson Henry, Jr., received a racially discriminatory "blue discharge" because he was black, his lawyers say.

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On Oct. 17, 1945, Pvt. Nelson Henry was discharged from the military, ending a once-promising career and his dreams of becoming a dentist. The Army never lived up to its offer to pay for him to attend [Howard University](#) Dental School, where he had been granted conditional acceptance.

In 1942, Henry had enlisted in the Army while attending [Lincoln University](#). The junior pre-dental major decided to follow in the footsteps of classmates who were heading off to serve the country. He began active duty in 1943 at Camp Lee, Va., and later was sent to Camp Crowder, Mo. He was assigned to segregated units.

Henry was selected for the Army Specialized Training Program, which was created at more than 200 universities to meet the wartime demands for junior officers and soldiers with technical skills. It provided training in specialty fields, including engineering and medicine.

The specialized training program had mixed success, enrolling about 145,000 soldiers at its height in 1943. Those who completed the program were sent as replacements overseas, where they were not welcomed by fellow officers.

Dean Henry believes his father was treated badly because of his involvement in the program. A college football knee injury aggravated in the Army kept Nelson Henry from shipping out with his unit.

Like Henry, thousands of soldiers were transferred from the specialized training program to other military duties and never had a chance to become an officer. Students who were not on active duty were terminated from their academic programs and returned to active duty. By 1945, the program was largely disbanded.

After his discharge, Henry returned to Philadelphia, where he raised a daughter and two sons with his wife, Lydia. He drove a taxi for many years, earned a bachelor's degree at Temple University, and later worked for the Pennsylvania state employment office.

He rarely talked about his military experience. But it was always in the back of his mind.

Earlier this year, the [Golden Gate University School of Law Veterans Legal Advocacy Clinic](#) and [Legal Aid at Work](#), both based in San Francisco, agreed to assist with his appeal. Their lawyers sent dozens of documents to the Army review board.

“He’s really an inspiration to me,” said Elizabeth Kristen, an attorney with Legal Aid at Work.



Follow

Our client, Nelson Henry, who was kicked out of the Army in 1945 with a "blue discharge" is on the FRONT PAGE of The Philadelphia Inquirer today! So proud to represent this courageous 95-year-old army veteran!
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Story via @phillydotcom: philly.com/news/pennsylvania ...



Dean Henry said his father has been touched by an outpouring of support from elected officials, former neighbors, veterans, and strangers from around the country. Several former servicemen who said they were discharged for being gay said they were inspired by his story and planned to file appeals.

“As a veteran of 34 years in the military, I read the article with much sadness and optimism that Henry will get what he deserves, the honorable discharge,” one reader wrote. “I guess I was naive, but during my career, which started in 1968, through 2004 I never paid attention to such blatant discrimination.”

A Vietnam veteran wrote: “It appears that the minor infractions of Mr. Henry did not warrant a blue discharge let alone a bad conduct discharge. As a veteran, I’d like to see him get justice.”



JESSICA GRIFFIN / STAFF PHOTOGRAPHER

Nelson Henry, Jr., 95, received a "blue discharge" in October 1945 and was kicked out of the Army.

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Posted: May 21, 2019 - 1:49 PM

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