



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

RLM
Docket No: 3160-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
USN, XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) 10 U.S.C. 654 (Repeal)
(c) UNSECDEF Memo OF 20 Sep 11 (Correction of Military Record following Repeal of U.S.C. 654)

Encl: (1) DD Form 149
(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 that his naval record be corrected per reference (c). Petitioner requests adjustment of his Certificate of Release or discharge from Active Duty (DD Form 214), Separation Authority to Secretarial Authority, Separation Code to JFF1, Reenlistment Code to RE-1A, Narrative Reason to Secretarial Authority, and Characterization of Service to Honorable.

2. The Board consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 July 2021 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, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

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 enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active service on 17 July 1984. On

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16 September 1986, Petitioner admitted to engaging in homosexual acts following a civil citation for the commission of lewd acts. On 27 October 1986, Petitioner was notified of the initiation of administrative separation proceedings by reason of misconduct due to homosexuality, at which point, Petitioner elected to exercise his right to consult with counsel and his right to a hearing before an administrative discharge board (ADB). On 5 December 1986, an administrative discharge board (ADB) convened and recommended Petitioner's discharge from naval service with an other than honorable (OTH) characterization of service by reason of homosexuality. On 17 December 1986, Petitioner's commanding officer recommended Petitioner's discharge with an other than honorable (OTH) characterization of service by reason of homosexuality. On 31 December 1986, the discharge authority approved and directed discharge. On 7 January 1987, Petitioner was discharged with an OTH by reason of homosexuality.

d. Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) which erroneously lists a discharge date of 7 January 1986.

e. References (b) and (c) set 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 grant requests to change the characterization of service to "honorable," narrative reason for discharge to "secretarial authority," SPD code to "JFF," and 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.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants partial relief. Regarding Petitioner's request for adjustment of his character of service, the Board determined that an upgrade to Honorable is appropriate. Regarding Petitioner's request to adjust his reentry code to RE-1A, the Board determined adjustment to RE-1A was unwarranted. The Board determined per reference (b) and (c) a reentry code of RE-1J would be more appropriate. In light of references (b) and (c), the Board noted Petitioner's overall record of military service and current Department of the Navy policy. The Board notes the Petitioner's DD Form 214 incorrectly reflects Petitioner's date of separation.

In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating an "Honorable" characterization of service, "secretarial authority" narrative reason for separation, "RE-1J" reenlistment code, "JFF" separation code, and "MILPERSMAN 1910-164" separation authority, and "7 January 1987" date of separation.

That a copy of this report of proceedings be filed in Petitioner's naval record.

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4. 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 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 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.

8/5/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]