



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

[REDACTED]
Docket No: 5617-21
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER [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 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with this Board requesting his records be changed to reflect a change to his narrative reason for separation, per references (b) and (c).

2. The Board consisting of [REDACTED], [REDACTED], and [REDACTED], considered Petitioner's allegations of error and injustice on 8 October 2021, 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 Petitioner's application, together with all material submitted in support thereof, relevant portions of his naval record 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner began a period of active duty on 7 August 1989. On 25 September 1991, Petitioner was notified that administrative separation procedures were being initiated against him on the basis of an attempt to engage in, solicit another to engage in, a homosexual act or acts. Petitioner acknowledged his rights by signature. On 7 October 1991, Petitioner was re-notified

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of administrative separation procedures on the basis of homosexuality due to Petitioner's 13 August 1991 admission. Petitioner again acknowledged the notice by signature, and waived his right to appear before an administrative separation board.

d. On 29 October 1991, Commanding Officer, Transient Personnel Unit, Norfolk recommended that Petitioner be separated due to his admission and recommended that he receive a discharge as warranted by his service record.

e. On 10 December 1991, Petitioner was discharged from the Navy on the basis of homosexuality- stated he or she is a homosexual or bisexual, and received an honorable characterization of service and a reentry (RE) code of RE-4.

f. In his application for correction, Petitioner asks that his narrative reason for separation be changed due to the military's change in policy on homosexuality. Petitioner notes that his Certificate of Release or Discharge from Active Duty (DD Form 214) currently discloses personal information and has been an impediment to pursuing careers that require proof of military service.

g. 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, and especially in light of references (b) and (c), the Board concludes that Petitioner's request warrants relief. In this regard, the Board notes the Petitioner's overall record of military service and current Department of the Navy policy as established in reference (c), that relief in the form of his reason for separation be changed to read "Secretarial Authority," and reenlistment code be changed to "RE-1J." Additionally, that the separation authority be changed to read "MILPERSMAN 1910-164." In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

That Petitioner's Naval record be corrected to show that he was discharged by reason of "Secretarial Authority" on 10 December 1991, and was assigned an "RE-1J" reenlistment. Additionally, the separation authority was "MILPERSMAN 1910-164." It is further directed that Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

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.

11/4/2021

[REDACTED]

[REDACTED]

Executive Director

Signed by: [REDACTED]