



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

██████████  
Docket No: 6797-21

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████, USN,  
XXX-XX ██████████

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 her naval record be corrected to change her character of service to honorable in accordance with reference (c). Enclosure (1) and (2) apply.

2. The Board consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 22 November 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 5 February 1996.

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

d. On 19 May 1996, Petitioner was transferred to [REDACTED]. On 29 June 1998, Petitioner was transferred to [REDACTED].

e. While stationed at [REDACTED], Petitioner began a period of unauthorized absence (UA) on 28 September 1998 that terminated with her surrender on 9 October 1998. During the aforementioned period of UA, Petitioner missed ship's movement. Upon Petitioner's return, she made an unsolicited statement to her Division Officer that she was a homosexual. Subsequent command investigation supported Petitioner's claim.

f. On 9 October 1998, Petitioner received non-judicial punishment (NJP) for UA and missing ship's movement. On the same day, Petitioner was notified of the initiation of administrative separation proceedings by reason of misconduct due to homosexual conduct, and misconduct due to the commission of a serious offense. Petitioner waived her right to consult with counsel and waived her right to a hearing before an administrative discharge board (ADB).

g. On 23 October 1998, the discharge authority approved and directed Petitioner's discharge. On 27 October 1998, Petitioner was discharged with an under other than honorable character of service by reason of misconduct due to the commission of a serious offense and issued an RE-4 reentry code.

h. 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.

i. Petitioner contends at the time of her discharge she was in an abusive homosexual relationship and that her misconduct, specifically her UA, was due to issues she was having in that relationship. Petitioner provides statements regarding the events leading up to her discharge. Additionally, Petitioner provides newspaper articles, an employment letter, a private investigators license, and custody documents to support her submitted statements regarding the character of her ex-girlfriend and the events leading up to her 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. Based on review of the Petitioner's service record book and her attached evidence, the Board believed the Petitioner's account of the events leading up to her discharge to be true. The Board determined although Petitioner's discharge was approved due to the commission of serious offense, Petitioner's abusive relationship was not addressed appropriately by her command. The Board determined Petitioner's misconduct to be isolated and a result of being in an abusive relationship. As a result of the foregoing, the Board determined the Petitioner's request warranted relief. In this regard,

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

the Board noted Petitioner's overall record of military service and current Department of the Navy policy.

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

RECOMMENDATION:

That Petitioner's be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating an honorable character of service, secretarial authority narrative reason for separation, RE-1J reenlistment code, JFF separation code, and MILPERSMAN 1910-164 separation authority.

That Petitioner be issued an honorable discharge certificate.

That no further changes be made to Petitioner's record.

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

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.

12/15/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]