



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

█
Docket No: 6841-21
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 Records Following Repeal of 10 U.S.C. 654)
(d) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

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

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 by changing the narrative reason for separation and RE-4 reentry code on his Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board consisting of █, █, and █ reviewed Petitioner's allegation of injustice on 22 November 2021 and, pursuant to its regulations, determined 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.

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c. Petitioner enlisted in the U.S. Navy and commenced a period of active duty on 5 March 1985.

d. On 25 October 1985, Petitioner was notified of pending administrative separation action by reason of homosexuality. Petitioner waived his procedural rights. Furthermore, Petitioner's commanding officer (CO) documented Petitioner's administrative discharge processing was initiated as a result of his personal statement made to the Executive Officer that he is bisexual.

e. On 2 November 1985, Petitioner was directed to be discharged with a characterization of service as warranted by his service record, an HRB separation designator, An RE-4 reenlistment code, and homosexuality – stated he or she is homosexual or bisexual narrative reason for separation.

f. Petitioner was discharged on 13 November 1985, with an honorable characterization of service.

g. Reference (c) sets forth the Department of the Defense'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 guidance to grant requests to change the characterization of service to "honorable," narrative reason for discharge to "secretarial authority," SPD code to "JFF," and reenlistment 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.

h. Petitioner contends after receiving a requested copy of his DD 214 he was shocked to find the narrative reason for his separation clearly reflected his sexual orientation. He states prior to this discovery the reason for his discharge has caused him a great amount of grief over the years as he has kept this hidden for fear of their being prejudices against him, his employers, and his family. He adds this information should be no business of the public and damaging to an individual who wishes to keep their sexual orientation a private matter. Lastly he states in today's modern armed forces he would be allowed to serve his country and there should be no reason an antiquated policy be used to scar his service record.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of references (b) through (d), the Board concludes Petitioner's request warrants relief. The Board noted Petitioner's record supports that he was solely discharged on the basis of his sexuality

RECOMMENDATION:

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

Petitioner be issued a new DD Form 214 indicating the characterization of service as "honorable," narrative reason for separation as "secretarial authority," separation code as "JFF," separation authority as "MILPERSMAN 1910-164", and reentry code as "RE-1J".

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No further changes be made to Petitioner's record.

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 Regulations, 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.

12/13/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]