



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

█
Docket No: 6927-21
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 the separation 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 December 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 Naval Reserves and began a period of active duty on 19 February 1975. On 1 August 1975, Petitioner received an honorable (HON) discharge characterization of service upon his release from active duty. On 6 July 1976, Petitioner accepted an appointment as midshipman at the U.S. Naval Academy. On 27 May 1980, Petitioner was discharged with an HON discharge characterization of service by reason of convenience of the government. On 28 May 1980, Petitioner graduated from the U.S. Naval Academy and was commissioned as an ensign. On 7 February 1985, a medical officer diagnosed the Petitioner with sexual deviation, personality disorder, and alcoholism, at which point, he was found unsuitable for service due to homosexuality. On 13 February 1985, the Petitioner's commanding officer (CO) recommended administrative separation for cause of misconduct, or moral, or professional dereliction due to homosexuality. On 2 May 1985, the head of the psychiatry department recommended that Petitioner be administratively separated due to homosexuality, homosexual conduct, and emotional instability. On 15 August 1985, Petitioner received a notice of intent from the Chief of Naval Personnel (CNP) informing him about the initiation of administrative separation proceedings by reason of homosexual acts. On 21 August 1985, Petitioner sent his letter of resignation to the Secretary of the Navy (SECNAV). On 22 August 1985, Petitioner requested his resignation from Naval Service with an HON discharge characterization of service. On 26 August 1985, the Petitioner's CO recommended approval of his resignation request. On 7 October 1985, the CNP informed the SECNAV that Petitioner was offered the opportunity to tender his voluntary unqualified resignation for a fully HON discharge characterization of service by reason of homosexuality admission. On 15 November 1985, Petitioner was discharged.

d. Petitioner is requesting changes to his narrative reason for separation and separation code on his DD Form 214, in accordance with the new DoD regulatory guidance for Don't Ask Don't Tell discharged cases. Petitioner states that the policy in which he was separated from service differs in material respects from those currently applicable on a service-wide basis.

e. 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.

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 homosexuality with no aggravating factors.

RECOMMENDATION:

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

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Petitioner be issued a new DD Form 214 and new discharge certificate indicating the narrative reason for separation as "secretarial authority," separation code as "JFF," and the separation authority as "MILPERSMAN 1910-164."

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.

1/14/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]