



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

[REDACTED]
Docket No: 7356-21
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 by changing his character of service to honorable in accordance with reference (c). Enclosure (2) applies.

2. The Board consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 December 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 4 January 1993.

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d. On 30 April 1993, Petitioner underwent a medical evaluation due to worsening feeling of depression over the course of two months. Subsequently, Petitioner was referred for a mental health evaluation.

e. On 7 May 1993, Petitioner underwent a psychological evaluation and was diagnosed with underlying avoidant dependent personality disorder of such severity to preclude him from successfully adapting to military service. Petitioner was recommended for an entry level administrative separation due to the aforementioned psychiatric diagnosis.

f. On 12 May 1993, 123 days from his date of entry, Petitioner was notified of the initiation of administrative separation proceedings with an entry level separation by reason of convenience of the government due to personality disorder. On the same day, Petitioner waived his right to consult counsel, and did not object to the separation.

g. On 13 May 1993, Petitioner's commanding officer concurred with the medical recommendation of separation from naval service.

h. On 18 May 1993, Petitioner was discharged with an entry level separation by reason of other physical/mental condition-personality disorder.

i. Petitioner contends he did not reveal his sexuality during his service in the Navy, thereby upholding his obligation in the DADT policy. Petitioner contends he was repeatedly asked about his sexuality, which sent him into a deep depression and as a young man he did not know how to handle the situation, but did not reveal to doctors his sexuality. Petitioner contends he is an openly gay man, a successful business owner and is a first responder. Petitioner provided documents to reflect his EMT Advanced certification as evidence of his post service conduct.

j. 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 Petitioner's request warrants partial relief. The Board noted Petitioner's discharge was not initiated due to homosexuality, it was in fact founded on Petitioner's inability to adapt to Naval service due to his subsequent diagnosis of underlying avoidant and dependent personality disorder. The Board determined outside of his statements, Petitioner failed to provide sufficient evidence such as witness statements to support his contentions. Applicable regulations authorize an uncharacterized entry-level separation if the processing of an individual's separation begins within 180 days of the individual's entry on active service. Therefore, the Board determined no error on injustice in the Petitioner's characterization of service and that his request for

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adjustment to the character of his service based on reference (b) and (c) does not merit relief.

Notwithstanding, in light of the potential for future negative implications, the Board determined Petitioner's narrative reason for separation should be changed to "secretarial authority" vice "other physical/mental condition-personality disorder."

RECOMMENDATION:

In view of the above, the Board directs the following corrective action: Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating "secretarial authority" as the narrative reason for separation.

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.

1/19/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]