



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

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Docket No: 7653-21  
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, █

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 her naval record be corrected by upgrading the characterization of service on her Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board consisting of █, and █ reviewed Petitioner's allegation of injustice on 28 March 2022 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 reference (b), reference (c), 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 reference (b), and, reference (d), 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.

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b. Although enclosure (1) was not filed in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo).

c. Petitioner enlistment in the U.S. Navy and began a period of active duty on 29 June 1981. In July 1984, Petitioner was involved in an incident resulting in her identification as an alcohol abuser where she was pursuantly sent to treatment. On 15 November 1984, Petitioner received nonjudicial punishment (NJP) for a less than 24 hour unauthorized absence (UA), violation of a lawful general regulation, indecent acts with another and disorderly conduct. On 19 November 1984, Petitioner was notified of her commanding officer's (CO) intend to recommend to the discharge authority that she be separated with an other than honorable (OTH) characterization of service by reason of homosexuality and commission of a serious offense (COSO). During this process Petitioner elected her right to consult with counsel, obtain copies of documents to be forwarded to the discharge authority and to submit a statement to on her behalf, but waived her right to have her case heard before an administrative discharge board. Petitioner's statement captures her accomplishments, three years and five months of service, and desire to remain on active duty or obtain a good discharge. On 9 December 1984, the discharge authority directed Petitioner be separated with an OTH by reason of Homosexuality and on 14 December 1984, she was so discharged.

d. Petitioner contends the laws and attitudes of the world has changed and she believes the attitudes of the military and the Navy have also changed to be more inclusive to the LGBTQ population.

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 was separated by reason of homosexuality and commission of a serious offense, but concluded the record supports a finding that the primary basis for her administrative separation processing was due to her homosexuality. In reviewing the evidence, the Board concluded that Petitioner, more likely than not, would not have been processed for separation based solely on her indecent acts. Based on the CO's recommendation letter, the Board concluded it was the homosexual nature of the indecent acts that prompted her administrative separation processing. Accordingly, while the Board does not condone her misconduct, it determined it was appropriate to grant her an upgrade to Honorable based on the circumstances of her case.

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USN [REDACTED]

RECOMMENDATION:

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

Petitioner be issued a new DD Form 214 and new discharge certificate 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".

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.

4/13/2022

[REDACTED]

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Executive Director  
[REDACTED]