



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: 2436-22
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 changing the narrative reason for discharge, separation code, and reenlistment code 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 11 April 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 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 began a period of active duty on 8 February 2000. On 31 May 2000, Petitioner reported for duty onboard [REDACTED] homeported in [REDACTED]. On 16 August 2000, Petitioner was notified of her Commanding Officer's (CO) intent to recommend to the discharge authority that she be separated with a General (Under Honorable Conditions) (GEN) characterization of service by reason of homosexual conduct. During this process Petitioner elected her right to obtain copies of documents which were to be forwarded to the separation authority and waived all other procedural rights. On 17 August 2000, Petitioner's Commanding Officer (CO) recommended she be separated with a GEN characterization of service by reason of homosexual conduct based on the review of her service record and her admitted homosexual propensity. Petitioner was subsequently transferred via temporary duty orders to Transient Personnel Unit (TPU) [REDACTED] pending further processing of her administrative separation. On 31 October 2000, Petitioner's current CO of [REDACTED] recommended she be discharged with a GEN by reason of homosexual conduct. On 23 February 2001, the discharge authority directed Petitioner be separated with an honorable (HON) characterization of service by reason of homosexual conduct/admission and, on 1 March 2001, Petitioner was so discharged.

d. Petitioner contends in accordance with the repeal of "don't ask, don't tell" (DADT), she would like her DD 214 corrected to reflect a different narrative reason for separation, separation and reentry codes. She adds that she is currently serving in the [REDACTED] Air National Guard.

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 she was solely discharged on the basis of homosexuality and a review of her record determined no aggravating factors exists.

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 narrative reason for discharge to "Secretarial Authority," separation code to "JFF," separation authority as "MILPERSMAN 1910-164", and reenlistment code as "RE-1J".

No further changes be made to Petitioner's record.

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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.

5/5/2022

[REDACTED]