



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

[REDACTED]  
Docket No: 3423-22  
Ref: Signature date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],  
USN [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 her naval record be corrected to upgrade her characterization of service and change the narrative reason for separation. Enclosure1 (1) and (2) apply.

2. The Board consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 13 June 2022 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, applicable statutes, regulations, and policies, to include references (b) and (c).

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 31 July 1975.

d. On 28 June 1976, Petitioner submitted a sworn statement to a Naval Investigation Service (NIS) Special Agent admitting to homosexual activity prior and during active duty service.

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e. On 2 July 1976, Petitioner was notified of the initiation of administrative separation processing by reason of misconduct due to admitted homosexual involvement while a member of the naval service. Petitioner consulted with counsel, agreed to waive an administrative discharge board provided she was recommended for a general under honorable conditions characterization of service, and made an unsworn statement. On 29 July 1976, her commanding officer recommended her discharge by reason of homosexuality with a general under honorable characterization of service. On 9 August 1976, the discharge authority directed Petitioner's discharge.

f. On 24 August 1976, Petitioner was discharged with a general under honorable conditions character of service by reason of misconduct – homosexual acts. At the time of her discharge, her overall trait average (OTA) was 3.37. An OTA of 2.7 was the minimum score required for an honorable characterization of service.

g. 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, and especially in light of references (b) and (c), the Board concludes that Petitioner's request warrants relief. In this regard, the Board noted Petitioner's overall record of military service, current Department of the Navy policy, lack of any misconduct in Petitioner's record, and her final OTA at time of discharge.

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

#### RECOMMENDATION:

Petitioner's be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating an honorable characterization of service, Separation for other good and sufficient reasons when determined by the Secretary of the Navy separation reason, JFF separation code, BUPERSMAN 3850220 separation authority, and RE-1 RE-Code.

Petitioner be issued an honorable discharge certificate.

That no further changes be made to Petitioner's record.

That 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.

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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.

7/1/2022

[REDACTED]

Executive Director  
[REDACTED]