



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

[REDACTED]
Docket No: 3647-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [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 to change his narrative reason for separation in accordance with reference (b) and (c). Enclosure (2) applies.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 8 August 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, 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 Naval Reserves and began a period of active service on 6 February 1984. On 19 January 1987, Petitioner was discharged with an Honorable characterization of service by reason of expiration of enlistment.

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d. Petitioner reenlisted in the Navy on 20 January 1987 and began a second period of active duty.

e. On 22 February 1988, Petitioner began a period of unauthorized absence (UA) lasting one hour and resulting in nonjudicial punishment (NJP) on 29 February 1988. Subsequently, on 28 June 1988, Petitioner submitted a sworn statement admitting his engagement in homosexual activities. As a result, Petitioner was notified of the initiation of administrative separation proceedings by reason of homosexuality, at which point, he elected to waive all his procedural rights and was recommended for an Honorable discharge. After the separation authority approved his discharge, Petitioner was discharged on 3 August 1988 with an Honorable characterization due to homosexuality. As part of his separation, he was ordered to be administratively reduced in paygrade to E-3.

k. 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 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.

l. Petitioner is requesting that his Certificate of Release or Discharge from Active Duty (DD Form 214) is corrected by removing the word "Homosexuality" as narrative reason for separation. Petitioner contends he have carried the shame and the stigma of his narrative reason for separation throughout his whole life.

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 and determined he qualifies for full relief under current Department of the Navy policy. While the Board noted Petitioner's misconduct, they concluded it did not qualify as an aggravating factor based on the minor nature of the offense. Additionally, the Board also determined that Petitioner's administrative reduction to E-3 upon his separation should be set aside consistent with spirit of references (b) and (c) and in the interests of justice.

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

RECOMMENDATION:

That Petitioner's be issued a new DD Form 214 for the period ending 3 August 1988 indicating his paygrade as "E-4" with the effective date of rank of 3 August 1988, "Secretarial Authority" narrative reason for separation, "RE-1J" reenlistment code, "JFF" separation code, and "MILPERSMAN 1910-164" separation authority.

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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.

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.

8/24/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]