



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

██████████  
Docket No: 6605-22

Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████  
██████████

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 upgrade the character of his service to honorable. Enclosures (1) and (2) apply.

2. The Board consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 23 November 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 20 June 1973.

d. On 1 August 1974, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA) totaling 45 minutes.

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e. On 5 September 1974, Petitioner was notified of the initiation of administrative separation processing by reason of unfitness. He elected counsel and to appear before an administrative discharge board (ADB). Petitioner also submitted a request for a general discharge, if approved, he would waive his right to the ADB. On 6 September, the commanding officer (CO) recommended discharge by reason of unsuitability due to his admission of prior homosexual conduct.

f. On 10 October 1974, Petitioner was again notified of administrative separation processing by reason of unfitness due to in-service homosexual conduct. Petitioner requested a general discharge and if approved, he would waive the ADB. On 18 October 1974, the CO recommended discharge by reason of in-service homosexual activity and recommended an under honorable conditions character of service. On 17 October 1974, Petitioner was discharged from active duty in lieu of waiting for final action on his case.

g. On 1 November 1974, the discharge authority directed a general characterization of service by reason of unfitness – engaged in homosexual activity.

h. 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.

i. Petitioner requests a change to his character of service due to the repeal of the discriminatory law of "Don't Ask, Don't Tell (DADT)," which now allows homosexual to serve in the military.

#### 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 one incident of minor misconduct in Petitioner's record but determined he was discharged solely for his sexual orientation and no other reason.

Accordingly, the Board concluded that certain remedial changes were warranted to the Petitioner's characterization, narrative reason for separation, separation authority, separation code, and reentry code to conform with all current military directives and policy.

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

#### RECOMMENDATION:

That Petitioner's be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating "honorable" characterization of service, "Separation for other good and

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sufficient reasons when determined by the Secretary of the Navy” narrative reason for separation, “RE-1J” reenlistment code, “JFF” separation code, and “MILPERSMAN 3850220” separation authority.

That Petitioner be issued an honorable discharge certificate.

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.

12/22/2022

[REDACTED]  
Executive Director  
[REDACTED]