



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

█
Docket No: 6981-22

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,
XXX-XX-█

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)

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 his narrative reason for discharge be change to "Secretarial Authority" with associated changes to his reenry code, separation code, and separation authority.

2. The Board, consisting of █, █ and █, reviewed Petitioner's allegations of error and injustice on 16 December 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 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

b. Petitioner enlisted in the U.S. Navy and began a period of active duty on 25 September 1978.

c. On 26 March 1980, Petitioner made an admission statement of homosexual conduct to the Chief of Naval Personnel (CNP) via his Commanding Officer (CO). Subsequently, the CO appointed an investigation on 1 April 1980. On 17 April 1980, the investigator recommended Petitioner be separated based on his admission.

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d. On 21 April 1980, Petitioner was notified for separation for misconduct, unsuitability and consulted with counsel and waived his right to an administrative board.

e. On 7 June 1980, CO made his recommendation for separation and forwarded it to CNP for approval. On 14 June 1980, CNP directed discharge. Subsequently, Petitioner was discharged on 24 June 1980 for "Misconduct- Homosexual Acts" and assigned a RE-4 reentry code.

f. 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 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 the law and policy established in references (b) and (c), the Board concludes that Petitioner's request warrants relief.

The Board noted Petitioner's record supports that he was solely discharged on the basis of homosexuality with no evidence of any aggravating factors in his record. As a result, the Board determined Petitioner is entitled to full relief under reference (c).

RECOMMENDATION:

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

That Petitioner be issued a new DD Form 214 and discharge certificate indicating that, on 24 June 1980, Petitioner's narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," the reenlistment code was "RE-1," and the separation authority was "MILPERSMAN 1910-164."

That no further action be granted.

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 Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

1/8/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]