



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

[REDACTED]
Docket No. 9225-22

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 (Repeal of 10 U.S.C. 654)

Encl: (1) DD Form 149 w/ enclosures
(2) Service 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 a correction to his Narrative Reason for Separation on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 January 2023, 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 duty on 6 November 1979.

d. On 5 March 1984, Petitioner submitted a sworn statement to the Naval Investigative Service (NIS), admitting to his participation in a homosexual act while on active duty.

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e. On 23 March 1984, Petitioner was notified of the initiation of administrative separation processing by reason of homosexuality, specifically his sworn statement to a NIS Agent. He elected his right to consult with counsel, submit a statement on his behalf, and appear before an Administrative Discharge Board (ADB). On 13 April 1984, the ADB recommended that Petitioner be discharged by reason of homosexuality and that he receive a general (under honorable conditions) character of service. On 14 May 1984, the Petitioner's commanding officer recommended that he be separated with an under other than honorable character of service.

f. On 23 August 1984, the separation authority directed Petitioner be discharged with an honorable character of service by reason of homosexuality. On 31 August 1984, Petitioner was discharged.

g. Petitioner is requesting the removal of the term "homosexuality" from block 28 of his DD Form 214. Petitioner contends that such term could cause a great deal of confusion among his family members who are not familiar with the circumstances leading to his discharge.

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.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants relief.

The Board reviewed the application under the guidance provided in references (b) and (c). The Board noted Petitioner was discharged based solely on his sexual orientation and found no evidence of aggravating factors in his record. Additionally, the Board found that it was in the interests of justice to change his separation code, separation authority, and reentry code consistent with the guidance provided in reference (c).

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

RECOMMENDATION:

That Petitioner be issued a new DD Form 214 indicating the characterization of service as "honorable," narrative reason for separation as "secretary authority," separation code as "JFF," separation authority as "MILPERSMAN 36306900," and reentry code as "RE-1."

That 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 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.

1/26/2023

[REDACTED]
Executive Director

Signed by: [REDACTED]