



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

█  
Docket No: 1505-23

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 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 the character of her service and change her reason for separation. Reference (b) and (c), and enclosure (2) applies.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 3 March 2023, and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, policies.

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 May 1997. On 7 August 1997, Petitioner submitted a statement with admission to being a homosexual. On the same day, Petitioner was notified of the initiation of administrative separation proceedings as a result of her homosexual admission. Petitioner was notified administrative separation

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proceedings 79 days after her entry onto active duty. Consequently, Petitioner waived her right to consult with counsel. On 15 August 1997, Petitioner's commanding officer recommended Petitioner's discharge with an entry-level character of service. The separation authority approved and directed Petitioner's discharge. Subsequently, Petitioner was discharged on 14 January 1998, with an uncharacterized character of service by reason of homosexual admission. She was issued a RE-4 reentry code, and a SPD code of HRB.

d. 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.

e. Petitioner requests a change to her character of service and reason for separation. She contends her reason for separation is not true, and she was informed she would receive a general character of service, which would be upgraded to honorable. Petitioner further contends she submitted a letter requesting for equal rights, and she was harassed by a petty officer's because another service member accused her of being gay.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial relief. The Board noted that applicable regulations authorizes/directs an uncharacterized [entry-level] separation if less than 180 days, which starts once the service member is notified that he/she is being administrative separated. As such, Petitioner was notified of administrative separation proceedings on 7 August 1997, which was less than 180 days, warranting an uncharacterized characterization of service. As a result of the foregoing, the Board determined no change to Petitioner's character of service is warranted.

However, in light of references (b) and (c), the Board further concludes that a portion of Petitioner's request warrants relief. In this regard, the Board noted Petitioner's overall record of military service and current Department of the Navy policy, as established in reference (b) and (c).

#### RECOMMENDATION:

That Petitioner's be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating "secretarial authority" narrative reason for separation, "RE-1J" reenlistment code, "JFF" separation code, and "MILPERSMAN 1910-164" separation authority.

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.

3/21/2023

[REDACTED]  
Executive Director

Signed by: [REDACTED]