



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

█  
Docket No. 4379-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █, █,  
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 enclosures  
(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 naval record be corrected consistent with references (b) and (c).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 5 June 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 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 Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

b. Petitioner enlisted in the Navy and began a period of active duty on 14 March 2002. On 25 June 2003, Petitioner submitted a statement admitting to being homosexual and expressing his desire to be separated.

c. On 2 July 2003, Petitioner was notified of his pending administrative separation by reason of homosexual conduct, at which time he elected his right to consult with military counsel but waived his right to have his case heard before an administrative discharge board. On 3 July 2003,

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],  
USN, XXX-XX-[REDACTED]

Petitioner's Commanding Officer (CO) recommended to the separation authority that he be discharged with an Honorable (HON) characterization of service by reason of homosexual conduct. On 9 July 2003, the separation authority directed Petitioner be discharged with an HON for homosexual admission. On 18 July 2003, Petitioner was so discharged.

d. Petitioner contends the sole reason for his discharge was due to the Don't Ask, Don't Tell (DADT) policy at the time and there were no aggravating factors alleged in his discharge paperwork. He adds his record reflects high marks and he would like his record updated per the repeal of DADT.

e. 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 the 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 especially in light of reference (c), the Board determined that full relief is warranted. The Board did not find any aggravating factors in Petitioner's record and noted Petitioner's discharge was solely based on his homosexual admission.

#### RECOMMENDATION:

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

Petitioner be issued a new DD Form 214 indicating the narrative reason for separation as "Secretarial Authority," separation code as "JFF," separation authority as "MILPERSMAN 1910-164," and reentry code as "RE-1J."

No further changes be made to Petitioner's record.

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],  
USN, XXX-XX-[REDACTED]

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

6/13/2023

