



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

██████████  
Docket No. 4473-23  
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 his naval record be corrected to change his character of service, and reason for separation in accordance with references (b) and (c).

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 27 September 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, 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.

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 commenced active service on 20 June 2005. On 9 August 2005, Petitioner submitted an admission of being in a homosexual relationship. On 12 August 2005, Petitioner received non-judicial punishment (NJP) for two specifications of failure to obey a lawful order by writing letters to another male Sailor and wrongfully touching

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XXX-XX-[REDACTED]

the other male Sailor, and two specifications of wrongfully endeavoring to impede the investigation of his relationship with another Sailor. As a result, Petitioner was notified of the initiation of administrative separation proceedings by reason of homosexual admission, at which point, he waived his right to consult counsel, and a hearing before an administrative discharge board. Subsequently, Petitioner's commanding officer recommended his separation from naval service with an entry level separation (ELS) by reason of homosexual conduct. Petitioner was discharged, on 23 September 2005, with an uncharacterized ELS by reason of homosexual admission and assigned an RE-4 reentry code.

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.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of references (b) and (c), the Board determined that partial relief is warranted. The Board determined adjustment to Petitioner's narrative reason for separation, separation code, and separation authority is warranted as stated in reference (b) and (c).

In regard to Petitioner's request to upgrade his character of service, the Board noted no relevant evidence to adjust Petitioner's character of service. The Board noted Petitioner was notified of the initiation separation proceedings under 180 days after entering active service. Applicable regulations direct the assignment of an uncharacterized ELS if the processing of an individual's separation begins within 180 days of the individual's entry on active service. While there are exceptions in cases of misconduct or extraordinary performance, the Board determined neither exception applied in Petitioner's case. As a result of the foregoing, the Board found no error on injustice with Petitioner's assigned uncharacterized ELS.

Further, based on Petitioner's misconduct, the Board found he was issued an appropriate reentry code of RE-4.

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

#### RECOMMENDATION:

Petitioner be issued a new DD Form 214, for the period ending 23 September 2005, indicating a narrative reason for separation of "Secretarial Authority," separation code of "JFF," and a separation authority of "MILPERSMAN 1910-164."

No further changes are required.

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XXX-XX-[REDACTED]

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.

10/6/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]