



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

██████████
Docket No. 7124-23
Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
██████████

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

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 record be changed consistent with references (b) and (c). Enclosure (1) applies.

2. The Board, consisting of ██████████, reviewed Petitioner's allegations of error and injustice on 26 February 2024, 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. Petitioner enlisted and began a period of active duty on 15 September 1989.

c. On 8 August 1990, Petitioner was seen by the military medical clinic after his command reported that he had self-admitted to homosexuality. Naval criminal investigators subsequently opened an inquiry into a report of a student [Petitioner] having homosexual tendencies.

d. On 13 August 1990, when questioned by the criminal investigators, Petitioner elected to make a voluntary statement in which he admitted to being involved in a homosexual relationship with a non-military individual, as recently as two days prior.

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e. Petitioner was notified on 27 October 1990 of administrative separation by reason of homosexuality due to his own admission. He did not consult counsel and waived his right to a hearing before an administrative board, and a recommendation was forwarded for a General (Under Honorable Conditions) discharge.

f. Via naval message on 20 November 1990, Commander, Naval Military Personnel Command, approved Petitioner's discharge for the reason of homosexuality with an authorized characterization of "type warranted by servrec (service record)."

g. At the time of his discharge on 3 December 1990, Petitioner's final trait average was 2.9, sufficient for an Honorable characterization of service, and he had no documented misconduct in his service record.

h. Reference (c) sets 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 concludes Petitioner's request warrants relief. The Board noted Petitioner's record supports that he was solely discharged on the basis of homosexuality with no aggravating factors. Therefore, the Board determined Petitioner is entitled to full relief under reference (c).

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, on 3 December 1990, he was discharged with an "Honorable" character of service, "MILPERAMAN 3630900" separation authority, "JFF" separation code, "Secretary Plenary Authority" narrative reason for separation, and "RE-1J" reentry code.

That Petitioner be issued an Honorable discharge certificate.

That 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

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[REDACTED]

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.

3/14/2024

