



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

█  
Docket No. 7854-23  
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,  
█

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 in accordance with references (b) and (c). Enclosure (2) applies.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 13 October 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 began a period of active service on 21 February 1990. Petitioner received non-judicial punishment (NJP) for dereliction in the performance of duty on 29 December 1994. He was counseled regarding his dereliction of duty on 10 January 1995. On 24 October 1996, Petitioner submitted statement with the admission of being a homosexual. As a result of the foregoing, Petitioner was notified of the initiation of administrative separation

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proceedings by reason of homosexuality. Subsequently, he elected his right to consult with counsel, and waived hearing of his case by an administrative discharge board (ADB). Petitioner's commanding officer recommended his separation from the Navy with an Honorable character of service as a result of Petitioner's homosexual admission. Subsequently, the separation authority approved the recommendation and directed Petitioner's separation. Petitioner was so discharged on 23 December 1996.

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 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 determined that full relief is warranted. While the Board noted instances of misconduct in Petitioner's record, it concluded Petitioner's discharge was initiated solely due to his homosexual admission. As a result, the Board did not find Petitioner's misconduct to be an aggravating factor.

In light of references (b) and (c), the Board directs the following corrective action.

#### RECOMMENDATION:

Petitioner be issued a new DD Form 214 indicating, for the period ending 23 December 1996, his narrative reason for separation was "Secretarial Authority," separation code was "JFF," separation authority was "MILPERSMAN 1910-164," and reentry code was "RE-1J."

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.

10/26/2023

[REDACTED]