



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

██████████
Docket No. 9792-23

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

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 16 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, 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 7 May 1990. On 28 January 1991, Petitioner underwent a medical evaluation and she admitted to being a homosexual. Consequently, she was recommended for administrative separation. On 1 February 1991, Petitioner received non-judicial punishment (NJP) for UA totaling six days. On 15 February 1991, Petitioner was notified of the initiation of administrative separation

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proceedings by reason of homosexuality, at which point, she waived her right to consult with counsel and a hearing of her case before an administrative discharge board (ADB). Petitioner's Commanding Officer recommended her separation with a General (Under Honorable Conditions) (GEN) character of service by reason of homosexuality due to her admission of homosexual involvement. Ultimately, Petitioner was discharged, on 18 March 1991, with a GEN character of service by reason of homosexuality. At the time of her separation Petitioner had an overall trait average of 3.3.

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 normally 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 full relief is warranted. The Board noted Petitioner's misconduct and does not condone her actions. However, the Board concluded Petitioner's misconduct it was minor in nature and was not the basis for her administrative separation. The Board determined Petitioner was discharged based solely on her homosexual conduct and noted she had a sufficient trait average to receive an Honorable character of service.

RECOMMENDATION:

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

Petitioner be issued a new DD Form 214 and new discharge certificate, for the period ending 18 March 1991, indicating a characterization of service of "Honorable," narrative reason for separation of "Secretarial Authority," separation code of "JFF," separation authority of "MILPERSMAN 1910-164", and reentry code of "RE-1J."

Further, Petitioner be issued an Honorable discharge certificate.

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

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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.

3/7/2024

