



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

██████████
Docket No. 10389-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER ██████████, 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 Records Following Repeal of 10 U.S.C. 654)

Encl: (1) DD Form 149 with attachments
(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 a discharge upgrade and correction of his record consistent with references (b) and (c).

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error on 2 February 2024 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 the enclosures, relevant portions of his naval service records, and applicable statutes, regulations, and policies, to include references (b)-(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, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

c. Petitioner enlisted in the Navy and began a period of active service on 15 July 1986. On 8 September 1987, he was notified of administrative separation for defective enlistment due to fraudulent entry, as evidenced by failure to reveal at the time of enlistment a pre-service history of homosexual activity. On 16 September 1987, Petitioner's commanding officer recommended he be administratively separated for fraudulent entry for failure to disclose homosexuality, with a

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[REDACTED]

discharge type warranted by his record. On 9 October 1987, he was discharged with a General (Under Honorable Condition) characterization of service.

d. Petitioner has no history of misconduct in his official naval record. His military bearing and overall trait averages of 4.0/3.8 exceed those required at the time of his separation for a fully Honorable characterization of service.

e. Petitioner contends he was discharged due to his sexual orientation. He provided that while in submarine school, several bunkmates learned he was homosexual and used derogatory language toward him, which led him to being excluded and ostracized. He said he was immediately thereafter transferred to another class composed of individuals who were being processed for discharge.

f. 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 normally grant requests to change the characterization of service to "Honorable," narrative reason for discharge to "Secretarial Authority," separation 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 concludes Petitioner's request warrants relief. The Board reviewed the application under the guidance provided in references (b) and (c).

The Board noted Petitioner was discharged based solely due to his homosexuality and found no evidence of aggravating factors in his record. Therefore, the Board found that it was in the interests of justice to upgrade his discharge and change his narrative reason for separation, separation authority, and reentry code consistent with the guidance provided in reference (c).

RECOMMENDATION

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

Petitioner be issued a new DD Form 214 indicating he was discharged on 9 October 1987, with a characterization of service of "Honorable," a narrative reason for discharge of "Secretarial Authority," authority of "MILPERSMAN 1910-164," separation code "JFF," and a reentry code of "RE-1J."

That Petitioner be issued an Honorable Discharge Certificate.

That a copy of this report of proceedings be filed in Petitioner's naval record.

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[REDACTED]

4. It is certified a quorum was present at the Board's review and deliberations, and 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.

2/15/2024

