



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

██████████  
Docket No. 148-24  
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 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 that her DD Form 214 be changed in light of references (b) and (c). See enclosure (1).

2. The Board, consisting of ██████████, ██████████ and ██████████, reviewed Petitioner's allegations of error on 17 January 2024, and, pursuant to its regulations, determined that 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) 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 U.S. Navy and began a period of active duty on 6 May 1996. On 25 September 1996, Petitioner submitted a letter admitting to her homosexuality.

d. On 26 September 1996, the Petitioner was notified for separation for Homosexual Conduct and waived her right to consult with counsel and to an administrative board. The

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USN, [REDACTED]

Commanding Officer (CO) made his recommendation to the Separation Authority (SA) for a discharge type warranted by service record. On 17 October 1996, the SA approved the recommendation and directed Petitioner's discharge with Entry Level Separation.

e. Petitioner's DD Form 214, reveals she was separated from the Navy, on 25 October 1996, with an Entry Level characterization of service, her narrative reason for separation is "Homosexual Conduct Admission," her separation code is "HRB," and her reenlistment code is "RE-4."

f. Petitioner contends that at the time the DADT policy applied but since has been lifted and requests her characterization of service be upgrade to General (Under Honorable Conditions).

g. 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 narrative reason for separation 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 concludes Petitioner's request warrants partial relief.

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

However, the Board noted the Petitioner was still in the entry level status when she was notified of separation processing on the 144th day of active duty. Therefore, the Board found no error or injustice in the assignment of an uncharacterized Entry Level Separation of service upon Petitioner's discharge. The Board noted service regulations direct the assignment of an uncharacterized entry level separation when a member is processed for separation in their first 180 days of active duty. While there are exceptions to policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applied in Petitioner's case. Therefore, the Board determined Petitioner's assigned uncharacterized entry level separation remains appropriate.

#### RECOMMENDATION:

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

That Petitioner be issued a new DD Form 214, for the period ending 25 October 1996, indicating

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USN, [REDACTED]

that Petitioner's narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," the reenlistment code was "RE-1J," and the separation authority was "MILPERSMAN 1910-164."

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 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.

1/30/2024

