



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

█
Docket No. 233-24
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, XXX-XX-█

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 his naval record be corrected consistent with references (b) and (c).

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 4 March 2024 and pursuant to its regulations, determined 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.

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 duty on 24 April 1989. On 5 September 1991, Petitioner got married in the state of █.

d. In 1994, an anonymous complaint was filed stating that Petitioner was married to an individual who was born a biological male, but held himself out to be female. A Naval Criminal Investigative Service (NCIS) case was opened, but produced no final proof of the spouse's

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gender. According to the [REDACTED] Department of Motor Vehicles, the spouse was listed as a female.

e. On 9 November 1995, Petitioner was notified of the initiation of administrative separation (ADSEP) proceedings by reason of homosexuality and commission of a serious offense. On 4 January 1996, an ADSEP Board was convened and, by a vote of 3 to 0, the basis for homosexual conduct was met, but the basis for commission of a serious offense was not met. The Board recommended separation with a General (Under Honorable Conditions) (GEN).

f. On 5 April 1996, the separation authority approved and ordered that Petitioner be administratively separated from the Navy with GEN characterization of service by reason of homosexual marriage (or attempt) and assigned an RE-4 reenlistment code.

g. Outside of the possible homosexual orientation, which Petitioner adamantly refutes, and there is no misconduct noted in his record.

h. Reference (c) sets forth the Department of the Defense'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 guidance to grant requests to change the characterization of service to "Honorable," narrative reason for discharge to "Secretarial Authority," SPD code to "JFF," and reenlistment code to "RE-1," 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) through (c), the Board concludes Petitioner's request warrants relief. The Board noted no misconduct in Petitioner's record and concluded that he was solely discharged on the basis of his possible homosexual orientation. Therefore, the Board determined Petitioner is entitled to full relief under reference (c).

RECOMMENDATION:

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

That Petitioner be issued a new DD Form 214 upgrading his characterization of service to "Honorable," and indicating his narrative reason for separation as "Secretarial Authority," separation authority as "MILPERSMAN 1910-164," separation code as "JFF," and reentry code as "RE-1J."

That Petitioner be issued a new Honorable discharge certificate.

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

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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 Regulations, 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

