



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

[REDACTED]
Docket No. 697-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

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 last name to be changed, and naval record be corrected in accordance with reference (b) and (c). Enclosure (2) applies.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 23 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 US Naval Reserves and commenced a period of active service on 23 June 1992.

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[REDACTED]

d. On 23 May 1993, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA).

e. On 28 May 1993, Petitioner was notified of the initiation of administrative separation proceedings by reason of homosexuality due to his homosexual admission, at which point, he waived his right to consult with counsel and a hearing of his case before an administrative discharge board (ADB). Petitioner's Commanding Officer recommended Petitioner's discharge with a General (Under Honorable Conditions) character of service. The Separation Authority approved and directed Petitioner's separation from naval service, his character warranted by service, and separation reason of homosexuality. Ultimately, Petitioner was discharged on 25 June 1993, with an Honorable character of service by reason of homosexuality.

f. 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, and especially in light of references (b) and (c), the Board determined that partial relief is warranted. The Board noted Petitioner's misconduct and does not condone his actions, and concluded that, while not necessarily excusing or endorsing the Petitioner's misconduct, it was minor in nature and not an aggravating factor in his discharge. The Board determined Petitioner was discharged based solely on his homosexual admission and is entitled to full relief under reference (c).

Notwithstanding the recommended corrective action, with regard to Petitioner's request to change his name, the Board determined the name listed on his discharge documents reflects the legal name and at the time of his discharge from naval service, and he failed to provide evidence, such as a court order, to support his name change request. Consequently, the Board determined that aspect of his request does not merit relief.

RECOMMENDATION:

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

Petitioner be issued a new DD Form 214 indicating a narrative reason for separation of "Secretarial Authority," separation code of "JFF," separation authority of "MILPERSMAN 1910-164", and reentry code of "RE-1J."

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

That no further changes be made to Petitioner's naval record.

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[REDACTED]

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.

3/12/2024

[REDACTED]