



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

██████████
Docket No: 6204-19
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER ██████████
XXX-XX-██████ 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 Record following Repeal of U.S.C. 654)

Encl: (1) DD Form 149 with attachments
(2) Promotion warrant of 5 Jan 76
(3) Request for separation in lieu of trial of 9 Sep 81
(4) CO, NAS ██████████ endorsement of 24 Sep 81
(5) CNET endorsement of 28 Sep 81
(6) CNP ltr of 9 Oct 81
(7) SECNAV approval of 20 Oct 81
(8) DD Form 214 of 1 Dec 81

1. Pursuant to the provisions of reference (a), Petitioner, a former officer in the U.S. Navy, filed enclosure (1) with this Board requesting to change his characterization of service to honorable, narrative reason for separation to secretarial authority, and separation code to JFF.
2. The Board reviewed Petitioner's allegations of error and injustice on 22 July 2020 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of the enclosure, relevant portions of Petitioner's naval records, 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 waive the statute of limitations and review the application on its merits.
 - c. Petitioner was appointed as an ensign on 27 February 1976 and began active service. See enclosure (2)

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d. On 20 August 1981, an investigation was completed on the Petitioner, as a result it was recommended that the Petitioner be charged with two specifications of Article 125, UCMJ (one with a junior enlisted Sailor) and two specifications of Article 133, UCMJ. See enclosure (3)

e. On 9 September 1981, Petitioner requested resignation for the good of the service and to escape trial by court-martial. Prior to submitting this request, he conferred with a qualified military lawyer, at which time he was advised of his rights and warned of the probable adverse consequences of accepting such a discharge. In his request, Petitioner admitted to living with a junior enlisted Sailor. See enclosure (3)

f. On 24 September 1981, the Commanding Officer, Naval Air Station [REDACTED] endorsed Petitioner's request for resignation. See enclosure (4)

g. On 28 September 1981, the Chief of Naval Education and Training endorsed Petitioner's request for resignation. See enclosure (5)

h. On 9 October 1981, the Chief of Naval Personnel recommended approval of Petitioner's request for resignation and that he receive a under other than honorable (OTH) conditions characterization of service, DKC separation code, and homosexual acts narrative reason for separation. See enclosure (6)

i. On 20 October 1981, the Secretary of the Navy approved Petitioner's discharge. See enclosure (7)

j. On 1 December 1981, Petitioner was discharged with an OTH characterization of service, BUPERS Order 018382 separation authority, DKC separation code, and homosexual acts narrative reason for separation. See enclosure (8)

k. 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 characterization of service to "honorable", 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, and especially in light of references (b) and (c), the Board concludes that Petitioner's request warrants partial relief. In this regard, the Board noted Petitioner's overall record of military service and current Department of the Navy policy as established in reference (c), that relief in the form of his narrative reason for separation, separation code, and separation authority be changed to align with "secretarial authority." However, the Board determined that Petitioner's OTH characterization of service remain unchanged. The Board noted that Petitioner's resignation request to escape trial by court-

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martial and involvement with a junior enlisted sailor had an adverse impact on morale and discipline and meets the criteria for aggravating circumstances.

In view of the foregoing, the Board directs the following partial corrective action.

RECOMMENDATION:

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating the narrative reason for separation as "secretarial authority," and separation code as "JFF," separation authority as "MILPERSMAN 1910-164."

That no further changes be made to the record.

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

That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 24 June 2019.

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. The foregoing action of the Board is submitted for your review and action.

11/3/2020

[REDACTED]

Executive Director

SECRETARY OF THE NAVY DECISION:

SEP 07 2021

Reviewed and Approved Petitioner Request (Grant Relief)

Or

Reviewed and Approved Board Recommendation (Partial Relief)

[REDACTED]

Secretary of the Navy