



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

██████████
Docket No. 8852-23

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 his DD Form 214 be changed in light of references (b) and (c).

2. The Board, consisting of ██████████, ██████████ and ██████████, reviewed Petitioner's allegations of error on 22 May 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.

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 18 October 1994. On 31 January 1997, Petitioner made a statement to his chain of command that he and another Sailor had discussed engaging in homosexual acts.

d. On 7 February 1997, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA) and missing ship's movement.

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e. As result of his admission, Petitioner was administratively processed for administrative separation due to homosexuality conduct and commission of a serious offense. The Commanding Officer made his recommendation and ultimately, the Separation Authority directed his separation for misconduct, commission of a serious offense. Petitioner was so discharged with a General characterization of service on 9 April 1997.

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 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 relief.

The Board noted Petitioner was notified for homosexuality conduct and misconduct commission of a serious offense. However, the Board found that Petitioner's misconduct was directly related to his homosexuality admission since it occurred after his admission. The Board thus concluded that even though the separation authority directed discharge for commission of a serious offense, the underlying basis for his separation was his homosexual admission. In making this finding, the Board relied upon the Commanding Officer's recommendation that he be discharged solely for his homosexual conduct, noting his excellent record of performance. Therefore, the Board found that it was in the interests of justice to grant full relief under the guidance provided in reference (c).

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 9 April 1997, documenting that he was discharged with an "Honorable" characterization of service, his 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."

That Petitioner be issued an Honorable discharge certificate.

No further changes be made to Petitioner's record.

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

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USN, [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.

6/12/2024

[REDACTED]