



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

██████████  
Docket No. 5592-24  
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 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 naval record be corrected in accordance with reference (b) and (c). Enclosure (2) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 2 August 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 Navy and commenced a period of active duty on 29 November 1979.

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USN, [REDACTED]

d. On 27 May 1980, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA) from 12 May 1980 to 19 May 1980, and missing ship's movement. Subsequently, Petitioner admitted to the commission of homosexual acts.

e. Consequently, Petitioner was notified of the initiation of administrative separation proceedings by reason of homosexual acts. He elected to waive his right to consult with counsel but waived a hearing of his case before an administrative discharge board in exchange for a General (Under Honorable Conditions) character of service.

f. On 11 July 1980, Petitioner received NJP for two specifications of UA from his appointed place of duty, and breaking restriction. On 12 August 1980, Petitioner received his third NJP for UA from his appointed place of duty. Ultimately, Petitioner was discharged on 20 August 1980 with a GEN character of service for homosexual acts. His final trait average was 1.85.

g. 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 normally grant requests to change the characterization of service to "Honorable," 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 was discharged based solely on his homosexual conduct and, therefore, was entitled to some relief under reference (c).

However, the Board noted several instances of misconduct in Petitioner's record and determined it to be an aggravating factor. Specifically, the Board observed that Petitioner received three NJPs for misconduct unrelated to his homosexual conduct. In reviewing his misconduct, the Board noted that Petitioner showed a complete disregard for military authority and regulations. Despite the fact he was approved for separation after admitting to his homosexual conduct, Petitioner continued to commit misconduct of a nature to negative effect the good order and discipline of his unit. Finally, the Board considered that Petitioner committed all his misconduct in an active duty period totaling less than 10 months. As a result, the Board concluded significant negative aspects of Petitioner's service outweighed the positive aspects and continues to warrant a GEN characterization.

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

#### RECOMMENDATION:

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) and discharge certificate, for the period ending 20 August 1980, indicating his narrative reason

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USN, [REDACTED]

for separation was "Secretarial Authority," separation code was "JFF," separation authority was "MILPERSMAN 1910-164," and reentry code was "RE-1J."

That 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.

8/27/2024

