



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

██████████  
Docket No. 7150-24  
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) USECDEF Memo of 25 Jul 18 (Wilkie Memo)  
(c) 10 U.S.C. 654 (Repeal)  
(d) 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  
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting his characterization of service be upgraded and that the language "Personality Disorder" be removed from his discharge documents. Enclosures (1) and (2) apply.

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) through (d).

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 service on 7 February 1984.

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d. On 24 May 1984, Petitioner was referred by a chaplain to psychiatry. Medical records document he had been struggling with homosexual tendencies at boot camp and had homosexual relations prior to enlisting. He was diagnosed with borderline personality disorder.

e. On 14 June 1984, Petitioner was notified of administrative separation processing by reason of convenience of the government –personality disorder and defective enlistment, as evidenced by the psychiatric evaluation. Petitioner waived his rights in relation to the process, and his Commanding Officer recommended discharge, citing Petitioner’s admission of homosexuality as reasoning behind his recommendation for separation. On 10 August 1984, Petitioner was discharged with a General (Under Honorable Conditions) (GEN) characterization due to fraudulent entry.

f. Petitioner contends, while in the Navy, he consulted in confidence with a chaplain as he was having feelings of same sex attraction. He stated, prior to entering the Navy, and during his entire time serving, he never engaged in any same sex or homosexual activity. While he had never acted upon such thoughts, or violated any Navy rules, ordinances, or behaviors, he was told by the chaplain, that as an officer, the chaplain was duty bound to report their conversation, which ultimately resulted in his discharge. He felt that having never acted upon such thoughts, his discharge was akin to being charged with a thought crime. He stated the nomenclature of "personality disorder" also carries a negative connotation that is not conducive with our current understanding of same sex attractions.

g. Reference (d) 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 characterization of service to “Honorable,” narrative reason for discharge to “Secretarial Authority,” separation 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 careful review and consideration of all of the evidence of record, the Board determined that Petitioner’s request warrants partial relief in the interests of justice. The Board considered the totality of the circumstances to determine whether relief is warranted in the interests of justice in accordance with references (b) and (d).

Upon review, the Board found no error in Petitioner’s GEN characterization of service discharge for separation for defective enlistments and inductions due to fraudulent entry. The Board opined it lacked evidence to conclude Petitioner was discharged solely due to homosexuality, rather than the personality disorder with which he was diagnosed. Therefore, the Board concluded reference (d) did not apply. Nonetheless, the Board determined that since Petitioner was processed, primarily, based on his personality disorder, it was in the interests of justice to change his DD Form 214 to reflect a “Secretarial Authority” discharge.

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Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable (HON) discharge. The Board determined that an Honorable discharge was appropriate only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. The Board weighed Petitioner's failure to disclose his significant medical history against the brief duration of his service, without any indication in his record of meritorious service, and determined his record warrants a GEN rather than HON characterization. Even after reviewing the record holistically, and given the totality of the circumstances, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

RECOMMENDATION:

That Petitioner be issued a Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending reflecting that his narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF," the separation authority was "MILPERSMAN 1910-164," and the reentry code was "RE-1J."

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

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.

8/28/2024

