



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

██████████  
Docket No. 7222-24

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) 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 her characterization of service be upgraded consistent with references (c) and (d). 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 5 November 1990.

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[REDACTED]

d. Unfortunately, the documents related to Petitioner's separation from the Navy are not present in her Official Military Personnel File (OMPF), however, her DD Form 214 indicates she was discharged on 20 May 1992, with a General (Under Honorable Conditions) (GEN) characterization of service, for "Homosexuality-married or attempted to marry a person known to be of the same biological sex," with a "HRC" separation code, and a "RE-4" reentry code.

e. Petitioner contends she was discharged for homosexuality and lacked the scores to qualify for an Honorable characterization of service. In support of her application, she provided a copy of her DD Form 214. For purposes of equity and clemency consideration, she did not provide any evidence of post-discharge accomplishments or advocacy letters.

f. 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. Specifically, the Board determined Petitioner was discharged for her homosexuality and entitled to have her basis for separation changed based on reference (d). However, the Board found no error in Petitioner's GEN characterization of service based on a presumption of regularity. Absent substantial evidence to the contrary, the Board determined Petitioner's assigned characterization of service remains appropriate.

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. In this case, the Board lamented it had neither evidence of meritorious service nor of misconduct. In making this finding, the Board noted Petitioner provided insufficient evidence to overcome the presumption of regularity in her case. Therefore, 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.

The Board invites Petitioner to apply again, with additional information, if she is able to provide evidence describing the character of her service, such as copies of her enlisted evaluations, her performance marks, or any accolades, awards, or commendations she may have received.

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[REDACTED]

## RECOMMENDATION

That Petitioner be issued a Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that her 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 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.

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

