



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

█  
Docket No. 7278-24  
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) 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)  
(d) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

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 her naval record be corrected consistent with references (b) and (c).

2. The Board, consisting of █, █ and █, reviewed Petitioner's allegations of error and injustice on 26 August 2024 and, pursuant to its regulations, determined 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 duty on 7 November 1983. During her enlistment process, Petitioner admitted preservice use of marijuana. In March 1983, several service members provided statements regarding homosexual acts committed by Petitioner. On 3 May 1984, Petitioner received nonjudicial punishment (NJP) for wrongful use of a controlled substance-marijuana. Consequently, Petitioner was notified of the initiation of

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administrative separation proceedings by reason of misconduct due to drug abuse and engagement in homosexual acts. Petitioner decided to waive her procedural rights and her commanding officer recommended an Other Than Honorable (OTH) discharge characterization. The separation authority approved the recommendation and directed that Petitioner be discharged with an OTH discharge characterization by reason of misconduct due to drug abuse. On 5 June 1985, Petitioner was so discharged.

d. Petitioner would like her discharge characterization to be upgraded due to the changes in law. Petitioner contends at the time of her service she was not given the opportunity to become the best Sailor possible.

e. Reference (c) sets forth the Department of the Defense'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 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 reenlistment 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 Petitioner's request warrants relief.

In the making of this finding, the Board acknowledges aggravating factors of misconduct in Petitioner's record, and does not condone the aforementioned. However, the Board considered the original reasons for initiation of administrative separation proceedings was likely based on the Petitioner's sexual orientation. Therefore, the Board concluded it was in the interest of justice to upgrade Petitioner's characterization of service to General (Under Honorable Conditions) and change her narrative reason for separation, separation code, and reentry code to reflect a Secretarial Authority discharge.

Notwithstanding the recommended corrective action below, the Board was not willing to grant an upgrade to an Honorable 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. In making this finding, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with the Wilkie Memo. These included, but were not limited to, her contentions discussed previously. Ultimately, the Board concluded significant negative aspects of Petitioner's service outweighed the positive aspects and warrant a General (Under Honorable Conditions) characterization. The Board noted that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. Further, the Board considered Petitioner's overall trait average of 3.34.

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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 5 June 1985, indicating her characterization of service as "General (Under Honorable Conditions)," narrative reason for separation as "Secretarial Authority," separation authority as "MILPERSMAN 1910-164," separation code as "JFF," and reentry code as "RE-1J."

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

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

5. 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.
6. 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 Regulations, 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.

9/12/2024

