



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

██████████  
Docket No. 7662-24  
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)

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 characterization of service be upgraded consistent with references (b) and (c).

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error on 21 October 2024 and, pursuant to its regulations, determined 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, 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, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

c. Petitioner enlisted in the Navy and began a period of active service on 2 August 1983. On 1 May 1985, Petitioner received non-judicial punishment (NJP) for theft of candy from the gedunk on board the ██████████. On 12 July 1985, although the impetus is unclear from Petitioner's Official Military Personnel File (OMPF), Petitioner was notified with intended administrative separation by reason of convenience of the government due to homosexuality. Unfortunately, the document pertinent to Petitioner's election of rights regarding this matter is

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not present in Petitioner's OMPF. Shortly after notification, on 24 July 1985, Petitioner commenced a period of unauthorized absence (UA) ended by his surrender on 23 August 1985. On 26 August 1985, Petitioner's Commanding Officer (CO) recommended Petitioner's separation by reason of homosexuality, stating Petitioner "has been a practicing homosexual since November of 1984." On 26 September 1985, Petitioner received NJP for UA, and on 26 October 1985, he commenced a second period of UA ended by his surrender on 28 October 1985. Consequently, a naval message was issued directing his reprocessing for misconduct, and on 2 December 1985, Petitioner was renotified with intended administrative separation by reason of commission of a serious offense and homosexuality. Petitioner waived his rights to consult with counsel and request an administrative discharge board. On 10 December 1985, Petitioner's CO recommended he be discharged for homosexuality with an Honorable characterization, as warranted by his service record. The CO stated: "I do not consider the larceny charge for which he went to NJP to be a serious offense and therefore do not recommend separation for misconduct. He further stated he did not find any aggravating circumstances related to homosexuality. On 6 January 1986, Petitioner was discharge with a General Under Honorable Conditions (GEN) characterization of service.

d. Petitioner's military bearing and overall trait averages exceed those required for an Honorable discharge at the time of service.

e. Petitioner contends he was discharged from the Navy for being a homosexual because, when he was 22 years old, he posed for some pictures with another male. He said the pictures were then sent to his ship and he was discharged. He did not provide any documentation in support of his application.

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 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 review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants relief. The Board reviewed the application under the guidance provided in references (b) and (c).

In this regard, the Board noted Petitioner's misconduct and does not condone his actions. However, the Board considered the totality of the circumstances to determine whether relief is warranted in the interests of justice, and after reviewing the record holistically, and given the totality of the circumstances, the Board concluded Petitioner's discharge characterization should be changed to "Honorable," (HON) and narrative reason for separation, separation code, authority, and reentry code be changed to reflect "Secretarial Authority" as indicated in paragraph f above. In making this determination, the Board considered evidence from Petitioner's OMPF

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USN, XXX-XX-[REDACTED]

indicating he was originally notified of processing only for homosexuality, and agreed with the CO, that Petitioner's misconduct was not serious enough to warrant a less than HON discharge. Therefore, the Board found that Petitioner merits full relief under reference (c).

RECOMMENDATION:

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

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 6 January 1986, indicating a characterization of service of "Honorable," a narrative reason for discharge of "Secretary Plenary Authority," authority of "MILPERSMAN 3630900," separation code "JFF," and a reentry code of "RE-1J."

That Petitioner be issued an Honorable Discharge Certificate.

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

4. It is certified a quorum was present at the Board's review and deliberations, and 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.

11/3/2024

