



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

[REDACTED]
Docket No. 8989-24
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
USN, XXX-XX-[REDACTED]

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
(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 his record changed consistent with references (b) and (c). Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 24 March 2025 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). Additionally, the Board considered an advisory opinion (AO) from a qualified mental health professional. Although Petitioner was afforded the opportunity to respond to the AO, he chose not to do so¹.

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 26 July 1989.

¹ However, the Board determined the AO was not required to adjudicate Petitioner's case.

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d. On 25 January 1991, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA) from his appointed place of duty (0400-0800 security watch), and dereliction of duty by sleeping on watch. Additionally, he was issued an administrative remarks (Page 13) counseling concerning deficiencies in his performance and/or conduct. He was advised that any further deficiencies in his performance and/or conduct may result in disciplinary action and in processing for administrative discharge.

e. On 5 April 1991, Petitioner provided a sworn statement admitting to homosexual conduct. Consequently, he was notified of administrative separation processing by reason of homosexuality. He waived his rights in relation to the process and was so discharged on 16 April 1991.

f. Petitioner contends he was harassed after making a report of sexual assault, which resulted in him signing discharge papers under false pretenses. In support of his application, he provided an advocacy letter from his mother and his personal statement.

g. 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).

Although the Board noted Petitioner's misconduct and does not condone it, the Board found it to be relatively minor and not the basis for his administrative discharge from the Navy. Rather, the Board concluded Petitioner's discharge, as evidenced by his administrative separation documents and DD Form 214, was based solely on his homosexual admission. Therefore, the Board found it in the interests of justice to grant Petitioner full relief under reference (c).

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 16 April 1991, reflecting his characterization of service as "Honorable," narrative reason for separation as "Secretarial Authority," SPD code assigned as "JFF," separation authority as "MILPERSMAN 1910-164," and reentry code as "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.

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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.

3/31/2025

