



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

██████████  
Docket No. 9530-24  
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 naval record be corrected by changing his record consistent with references (b) and (c). In addition, Petitioner requests the awarding of the "Battle E" to his record.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 25 November 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.

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 Naval Reserves and began a period of active duty on 14 January 1991. On 16 February 1996, Petitioner admitted to his command master chief that he was homosexual and expressed his desire to be released from active duty. Consequently, Petitioner was notified of the initiation of administrative separation proceedings by reasons of homosexuality and waived his procedural rights. Petitioner's commanding officer recommended

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that he be administratively separated from the Navy with the type of discharge warranted by service record due to homosexuality. The separation authority approved the recommendation and Petitioner was so discharged on 3 May 1996 with an Honorable characterization of service.

d. 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 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) through (c), the Board concludes Petitioner's request warrants partial relief.

The Board noted Petitioner's record supports that he was solely discharged on the basis of his homosexual admission and his record contains no aggravating factors. Therefore, the Board determined Petitioner is entitled to relief under reference (c).

Regarding Petitioner's request for a "Battle E" award, the Board determined Petitioner has not yet exhausted his administrative remedies. Notwithstanding their determination, they concluded it was in the interests of justice to have Navy Personnel Command conduct an awards review to determine whether Petitioner was entitled to the award.

#### RECOMMENDATION:

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

That Petitioner be issued a new DD Form 214 indicating, for the period ending 3 May 1996, indicating his narrative reason for separation was "Secretarial Authority," separation authority was "MILPERSMAN 1910-164," separation code was "JFF", and reentry code was "RE-1J."

Further, Navy Personnel Command will conduct an awards review to determine whether Petitioner is entitled to the "Battle E" award for his service. Navy Personnel Command is authorized to make any necessary changes to Petitioner's record consistent with their findings.

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.

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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.

12/30/2024

