



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

██████████  
Docket No. 9906-24  
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 uncharacterized Entry Level Separation (ELS) be upgraded consistent with references (b) and (c), in order to allow him access to VA benefits disability compensation, and healthcare.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error on 13 January 2025 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 23 August 2002. At some point thereafter, he made a voluntary admission of homosexuality. His hand-written admission is contained in his Official Military Personnel File (OMPF); however, it is not dated. On 29 January 2003, Petitioner was notified with intended administrative separation by reason of homosexual conduct as evidenced by his admission. He consulted with counsel, and waived all

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remaining rights, but for the right to obtain copies of documents used in the separation process. Subsequently, his commanding officer recommended he receive an Entry Level Separation (ELS), in accordance with his homosexual admission, and due to his length of service not exceeding 180 days. He was so discharged on 14 February 2003.

e. Petitioner contends he was ranked 2<sup>nd</sup> in bootcamp and graduated, despite being harassed every day for being gay. He further stated this continued until he went to the Chaplain and reported what was occurring. In support of his application, he provided a copy of his DD Form 214.

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 partial relief. The Board noted Petitioner was discharged based solely due to a homosexual admission and found no evidence of aggravating factors in his record. The Board reviewed the application under the guidance provided in references (b) and (c).

Regarding Petitioner's request that his uncharacterized ELS be upgraded to Honorable, the Board determined, in the absence of evidence to the contrary, Petitioner's uncharacterized ELS remains appropriate. The Board noted that service regulations direct the assignment of an uncharacterized ELS when a service member is discharged within their first 180 days of active duty.

Regarding Petitioner's request for expanded access to Department of Veterans Affairs (VA) benefits, compensation, health care, and a new VA character of discharge determination, these decisions do not fall under the purview of the Board and should be addressed through the VA appeal process.

#### RECOMMENDATION:

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

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 14 February 2003, indicating a characterization of service of "Uncharacterized (Entry Level Separation)," a narrative reason for discharge of "Secretarial Authority," authority of "MILPERSMAN 1910-164," separation code "JFF," and a reentry code of "RE-1J."

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

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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.

1/28/2025

