



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

██████████  
Docket No. 10691-24

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 (Repeal of 10 U.S.C. 654)

Encl: (1) DD Form 149 w/ enclosures

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 record be changed consistent with references (b) and (c). Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 8 November 2024 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, 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. Although Petitioner's application 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.

b. Petitioner enlisted and began a period of active duty on 8 November 1983. After completing two periods of continuous Honorable service, she immediately reenlisted on 28 July 1994 for a third period of active duty.

c. On 28 June 1997, responding to an unrelated complaint which resulted in a room-by-room search of the barracks, the barracks duty discovered Petitioner, who was then a first class petty officer / E-6, in her bed with another female sailor who was a senior chief petty officer within her command.

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[REDACTED], USN, XXX-XX-[REDACTED]

d. Following investigation of the allegations related to this incident, Petitioner was notified of processing for administrative separation by reason of homosexual conduct and by reason of misconduct due to commission of a serious offense. She was accused of having violated Article 92 of the Uniform Code of Military Justice (UCMJ) by failure to obey a lawful order which prohibited her from fraternizing with the senior chief petty officer and for violation of Article 107 by making a false official statement in the course of the investigation into the alleged homosexual conduct.

e. Petitioner requested a hearing before an administrative separation board (ADBDB). On 21 January 1998, the ADBDB found sufficient evidence to substantiate the alleged UCMJ violations but insufficient evidence to substantiate the allegations of homosexual conduct, even under a preponderance of the evidence standard. The ADBDB recommended that she be separated from the naval service, without suspension, and that her service should be classified as General (Under Honorable Conditions).

f. Petitioner's discharge due to commission of a serious offense was approved via naval message from the Bureau of Naval Personnel and she was so discharged on 8 May 1998.

g. Petitioner contends that her service was outstanding, as evidenced by her awards and qualifications, but that the misconduct for which she was discharge exclusively stemmed from her being found in bed with another woman. She feels that her discharge is unfair and has cost her emotionally and financially.

h. 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," the separation code to "JFF1," and the 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 concluded that the Petitioner's request relief. The Board reviewed her application under the guidance provided in references (b) and (c).

After thorough review, the Board determined Petitioner did not meet the strict criteria for relief under reference (c) since she was not processed solely for homosexuality and there were aggravating factors in her record. Notwithstanding, upon full consideration of the Petitioner's lengthy and otherwise Honorable service, the Board found it more likely than not that the course of disciplinary and administrative processing would not have resulted in Petitioner's administrative discharge without the additional factor of the homosexual conduct inquiry or the line of questioning which resulted from investigation of those allegations. Therefore, after carefully weighing all available and relevant evidence, the Board concluded that Petitioner's in-service record of performance and conduct reflected Honorable service and that her discharge,

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regardless of the misconduct basis or the findings of her ADBD with respect to a lack of homosexual conduct, resulted from the policies and practices reflective of the period of her service prior to the enactment of reference (b). Therefore, the Board determined that it is in the interest of justice and fundamental fairness to upgrade Petitioner's characterization of service to "Honorable" and change the basis for her separation to reflect a "Secretarial Authority" discharge.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating, for the period ending on 8 May 1998, she was discharged with an "Honorable" character of service, under "MILPERSMAN 3630900" separation authority, with a "JFF" separation code, "Secretary Plenary Authority" narrative reason for separation, and "RE-1J" reentry code.

That Petitioner be issued an Honorable discharge certificate.

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

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

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.

12/10/2024

[REDACTED]

Executive Director

Signed by: [REDACTED]