

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

d. On 18 April 1988, Petitioner was notified of proposed administrative separation for convenience of the government due to homosexuality as evidenced by the member's own admission and the results of a local command investigation. Petitioner waived all his procedural rights and did not object to the separation.

e. On 18 April 1988, Petitioner signed a statement of awareness and election of rights and did not object to the separation. The commanding officer recommended discharge based on type warranted by service record.

f. On April 1988, Petitioner was discharged with an "Under Honorable Conditions (General)" characterization of service, narrative reason for separation as "Homosexuality – stated that he is a homosexual," separation code as "HRB" and a reenlistment code as RE-4."

g. Petitioner contends that a discharge for homosexuality is no longer a policy reason for an Other Than Honorable discharge, or a rank reduction.

h. 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 grant requests to change the characterization of service to "Honorable," 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.

i. For purposes of clemency consideration, Petitioner did not provide supporting documentation describing post-service accomplishments or advocacy letters.

CONCLUSION:

Upon review and consideration of all the evidence of record, and the law and policy established in references (b) and (c), the Board concludes that Petitioner's request warrants partial relief.

The Board noted Petitioner's record supports that he was solely discharged on the basis of homosexuality. In this regard, the Board concluded that the record should be changed to reflect a less stigmatizing narrative reason for separation.

However, regarding Petitioner's request for a discharge upgrade, the Board noted the aggravating factor of misconduct in his record, specifically the indecent assault upon a sleeping shipmate. The Board considered the likely negative impact his conduct had on the good order and discipline of his unit. Furthermore, the Board determined that the evidence of record did not demonstrate that Petitioner was not responsible for his conduct or that he should otherwise not be held accountable for his actions. The Board found that his misconduct was intentional and made him unsuitable for continued naval service.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in Petitioner's case in accordance with reference (d).

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Ultimately, the Board determined that any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

In view of the above, the Board recommends that the following partial corrective action be taken on Petitioner's record:

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214) reflecting Petitioner's narrative reason for separation was "Secretary Plenary Authority," separation authority was "MILPERSMAN 3630900," and SPD code was "JFF."

That no further correction action be taken on Petitioner's naval record.

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

4. It is certified that 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 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.

1/20/2025

