



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

[REDACTED]  
Docket No. 12476-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
USN, [REDACTED]

Ref: (a) 10 U.S.C. §1552  
(b) USECDEF Memo of 25 Jul 18 (Wilkie Memo)  
(c) 10 U.S.C. 654 (Repeal)  
(d) 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 a Petitioner, filed enclosure (1) requesting her record be changed consistent with references (b) and (c). She additionally requested a minimum of two years of constructive service credit (without backpay), or in the alternative, change of narrative reason for separation to reflect "Completion of Required Active Service." Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error on 14 March 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 her naval service records, and applicable statutes, regulations, and policies, to include references (b) through (d).

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 25 January 2000.

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d. On 22 August 2000, Petitioner admitted to having developed homosexual desires since enlisting.

e. On 13 September 2000, Petitioner was notified of administrative separation processing by reason of homosexual conduct. She waived her rights in the process, but for her right to obtain copies of documents used in the separation process including her rights to consult counsel and request an administrative discharge board.

f. On 20 September 2000, her Commanding Officer recommended her separation for homosexual conduct, based on her admission, and she was so discharged with a general (under honorable conditions) character of service on 4 October 2000.

g. Petitioner has no history of misconduct in her official naval record. Petitioner's record contained one Evaluation Report & Counseling Record (E1-E6) indicating an individual trait average of 2.83 and a Military Bearing/Character performance trait of 3.0.

h. Petitioner contends she suffered grave injustices due to the DADT policy. In support of her application, she provided a legal brief prepared by the [REDACTED].

i. 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 reviewed the application under the guidance provided in references (b) through (d).

The Board noted Petitioner was discharged based solely due to a homosexual admission and found no evidence of aggravating factors in her record. Therefore, the Board determined she was entitled to partial relief under reference (c).

Regarding Petitioner's request for constructive service credit or a change of the narrative reason for separation to "completion of required active service," the Board determined it was unable to grant this request. The Board found no error in Petitioner's discharge for homosexuality under the policy then in place. Additionally, in making this finding, the Board noted that the Stanley Memo states, "the Department [of the Navy] will not authorize compensation of any type, including retroactive full separation pay, for those previously separated under 10 U.S.C. 654 and its implementing regulations." Although the Petitioner stated she was not seeking backpay, granting constructive credit nonetheless opens the possibility of, and in fact may require, action be taken resulting in compensation. As a result, the Board decided it was unable to grant

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constructive credit based on Petitioner's DADT-based separation from the Navy or change her narrative reason to "completion of required active service."

#### 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 25 January 2000, indicating a characterization of service of "Honorable," a narrative reason for discharge of "Secretarial Authority," authority of "MILPERSMAN 1910-164," separation code "JFF," and a reentry code of "RE-1."

That Petitioner be issued an Honorable Discharge Certificate.

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.

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.

3/26/2025

