



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

██████████
Docket No. 0338-24
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).

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 17 March 2025 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 Navy and began a period of active duty on 8 February 1983. On 12 August 1983, Petitioner was evaluated by a medical officer at the emergency room for possible side effects of drug abuse. During the evaluation, Petitioner tested positive for wrongful use of a controlled substance-marijuana. On 26 August 1983, Petitioner began a period of unauthorized absence (UA) which lasted 29 days and resulted in his conviction by summary court martial (SCM). Petitioner was sentenced to reduction in rank, confinement at hard labor,

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and forfeiture of pay. On 5 November 1983, Petitioner was evaluated by a medical officer as a result of his admission that he is homosexual. Consequently, Petitioner was recommended for administrative separation by reason of homosexuality. On 9 December 1983, Petitioner was so discharged.

d. Unfortunately, the documents pertinent to the Petitioner's administrative separation are not in his official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that he was separated from the Navy, on 9 December 1983, with a General (Under Honorable Conditions) (GEN) characterization of service, narrative reason for separation of "Homosexuality – Engaged in, Attempted to engage in, or Solicited another to engage in a homosexual act or acts," separation code of "HRA/872," and reenlistment code of "RE-4." Petitioner's separation code is consistent with a discharge due to homosexuality.

e. Petitioner requests a correction to his homosexual discharge, which resulted in shortening his service and loss of benefits and coverage. Petitioner contends he was threatened by a petty officer to keep quiet about his sexuality or exposure and possible court martial conviction. Petitioner also contends he was threatened with bodily harm while on ship and decided to go UA to rethink his position in the Navy. Petitioner claims he returned and was convicted by court martial, was sent to Quantico for 30 days, and, during that time, he was allowed to talk to a counselor about his sexuality, ended up being exposed, and ultimately discharged. Petitioner is requesting his upgrade with the intent to apply for benefits.

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," the separation code to "JFF," 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 concludes Petitioner's request warrants partial relief. Specifically, the Board determined Petitioner was discharged solely based on his homosexual admission and the interests of justice merit changing Petitioner's narrative reason for separation, separation authority, separation code, and reentry code consistent with reference (c).

Notwithstanding the recommended corrective action below, the Board found aggravating factors in Petitioner's record based on his SCM and drug abuse. Further, the Board noted Petitioner provided no evidence, other than his statement, to substantiate his contentions. Therefore, the Board determined his GEN characterization of service is supported by his record and remains

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

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 9 December 1983, his narrative reason for separation was "Secretarial Authority," separation authority was "MILPERSMAN 1910-164," separation code was "JFF," and reentry code was "RE-1J."

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.

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.

4/8/2025

