



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

[REDACTED]
Docket No. 0629-25
Ref: Signature Date

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

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

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 her characterization of service be changed consistent with references (b) and (c). In addition, Petitioner requests active duty credit for her remaining period of service or, in the alternative, change her narrative reason for separation to reflect "completion of required active duty."

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error on 14 April 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) 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 11 May 1981. On 13 August 1982, she received non-judicial punishment for possession of marijuana, sodomy, lewd and lascivious acts, disorderly conduct, and prejudicial conduct by homosexual marriage. Consequently, she was notified of intended administrative separation by reason of

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homosexuality. She consulted with counsel and waived her remaining rights in the process. Thereafter, her commanding officer recommended her discharge; citing her homosexual conduct on multiple occasions in view of others onboard the [REDACTED] and in public places witnessed by other military members. On 16 September 1982, Petitioner was discharged with an Other Than Honorable characterization of service.

d. Post-discharge, Petitioner applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. The NDRB denied her request, on 30 October 1985, based on their determination that her discharge was proper as issued.

e. 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 relief. The Board reviewed the application under the guidance provided in references (b) and (c).

The Board does not condone Petitioner's misconduct. However, the Board noted Petitioner was discharged based solely due homosexuality and, although the Board noted aggravating factors in her record, including possession of marijuana, because Petitioner was separated for homosexuality, and not for other misconduct, it determined her case merits full relief under reference (c).

Notwithstanding the recommended corrective action below, the Board determined Petitioner's request for service credit is not merited. Although DADT was repealed, it was the law and reflected the view of Congress during the period it was the law. Similarly, Department of Defense (DoD) regulations implementing various aspects of DADT were valid regulations during that same period. Therefore, the issuance of a discharge under DADT or that taking of an action pursuant to DoD regulations related to a discharge under DADT does not, by itself, constitute an error or injustice that would invalidate an otherwise proper action taken pursuant to DADT and applicable DoD policy. Thus, the Board determined certain remedies, such as correcting a record to provide service credit for time lost, is not appropriate and denying such requests is consistent with the guidance provided in reference (c). Based on the same rationale, the Board found insufficient evidence of error or injustice to support Petitioner's request to change her narrative reason for separation to reflect she completed her required active duty service. Ultimately, the Board determined any injustice in Petitioner's record is adequately addressed by the recommended corrective action.

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[REDACTED]

RECOMMENDATION:

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

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214), for the period ending 16 September 1982, indicating she was discharged with an "Honorable" characterization of service, a narrative reason for discharge of "Separation for other good and sufficient reasons when determined by the Secretary of the Navy," separation authority of "BUPERSMAN 3850220," separation code of "JFF," and a reentry code of "RE-1J."

That Petitioner be issued an Honorable Discharge Certificate.

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.

5/2/2025

