



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

[REDACTED]
Docket No. 1560-25
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) 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
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) requesting his naval record be corrected his record considered with references (b) and (c). Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 28 May 2025 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, 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, 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 24 June 1988.

d. On 19 July 1991, Petitioner was notified of administrative separation processing by reason of homosexual conduct with a least favorable characterization of Under Other Than Honorable

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conditions (OTH). Petitioner waived his rights to consult counsel, request a hearing before and administrative board, or to provide a statement to rebut the separation. Petitioner's Commanding Officer recommended separation with an OTH characterization of service due to Petitioner's admission of engaging in homosexual acts onboard a Naval vessel. The separation authority directed an OTH character of service and Petitioner was so discharged on 12 August 1991.

e. Petitioner contends that he was discharged solely for alleged homosexual conduct without aggravating factors, such as misconduct, and requests relief in accordance with reference (c). In support of his application and for the purpose of clemency and equity consideration, he provided a legal brief with exhibits.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants relief. The Board noted Petitioner's record supports that he was discharged solely on the basis of homosexual conduct. The Board observed that sex onboard a Naval vessel is misconduct regardless of sexual orientation and was considered an aggravating factor at the time of Petitioner's discharge; therefore, the Board found no error in Petitioner's discharge. However, the Board determined that it is more likely than not that a similarly situated heterosexual Sailor would not have been processed for administrative separation. Therefore, on the basis of equity, the Board determined Petitioner's request warrants relief under reference (c).

RECOMMENDATION

That Petitioner be issued an Honorable Discharge Certificate and a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating, for the period ending 12 August 1991, he was discharged with an "Honorable" characterization of service, separation authority of "MILPERMAN 3630900," separation code of "JFF," narrative reason for separation of "Secretary Plenary Authority," and reenlistment code of "RE-1J."

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.

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

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[REDACTED]
corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6/23/2025

