



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

Docket No. 7771-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED], USN,
XXX-XX-[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)
(d) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149 w/attachments
(2) Naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her discharge be upgraded.

2. The Board, consisting of [REDACTED], [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 6 April 2026 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 Petitioner's naval record, 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 interests of justice to review the application on its merits.

c. Petitioner enlisted in the Navy and commenced a period of active duty on 17 June 1974. After a period of continuous Honorable service, Petitioner immediately reenlisted and began a second period of active duty on 16 May 1978.

d. On 16 January 1979, Petitioner received nonjudicial punishment (NJP) for a seven-day period of unauthorized absence (UA) in violation of Article 86 of the Uniform Code of Military Justice (UCMJ). Her punishment consisted of forfeiture of \$100.00 pay per month for one

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month and reduction to paygrade to E-4, with the reduction suspended for three months and subsequently vacated.

e. On 24 April 1979, Petitioner provided a statement admitting to her homosexuality and was accordingly notified of the initiation of administrative separation processing. Petitioner acknowledged the notification and waived her procedural right to have the case heard before an administrative discharge board after consulting with counsel.

f. Petitioner's commanding officer recommended Petitioner be discharged and described the magnitude of effort required to address her poor performance and conduct. Ultimately, the Separation Authority subsequently directed Petitioner's separation with a characterization of service as warranted by her service record.

g. In the meantime, on 15 May 1979, Petitioner received a second NJP for a four-day period of UA in violation of Article 86 of the UCMJ. Her punishment consisted of reduction to paygrade E-3.

h. On 16 May 1979, Petitioner was discharged by reason of unfitness due to homosexual tendencies with a General (Under Honorable Conditions) (GEN) characterization of service.

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," the separation code to "JFF1," 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.

j. Petitioner contends that, in light of subsequent legislative and policy changes, discrimination based on sexual orientation has been recognized as unjust. She further contends that, during her military service, she admitted to being homosexual, was evaluated by a psychiatrist, and was ultimately discharged. Petitioner asserts that the discharge is unfair and maintains that she voluntarily served her country honorably and remains proud of her service. For purposes of clemency and equity consideration, Petitioner submitted her Report of Separation from Active Duty (DD Form 214N).

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief.

Specifically, the Board determined that Petitioner was discharged based solely on her homosexuality and concluded the inclusion of a narrative reason for separation referencing Petitioner's sexual orientation on her DD Form 214 constitutes an injustice requiring correction. As a result of its inclusion, Petitioner must disclose personal information regarding her sexual orientation and/or previous sexual activity whenever she has cause to prove her military service

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for whatever reason. Other Service members are not required to reveal such personal information when providing evidence of their former military service. This constitutes an unreasonable burden and violation of Petitioner's privacy interests.

However, the Board determined Petitioner was not entitled to full relief under reference (c) since her record contains the aggravating factor of misconduct. The Board noted Petitioner's record contains additional misconduct unrelated to the basis for her separation that weighed against a fully Honorable characterization of service. Thus, in light of her overall record, the Board determined that no further relief was appropriate under reference (c).

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with reference (d). In this regard, the Board considered, amongst other factors, Petitioner's desire for an upgrade to her characterization of service, Petitioner's contentions, the totality of Petitioner's service to include service highlights, Petitioner's relative youth and immaturity at the time of her misconduct, Petitioner's advanced age, and the passage of time since Petitioner's discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any further equitable relief. Specifically, the Board found that the severity of Petitioner's misconduct far outweighed all of the mitigating factors combined. In particular, the Board found that Petitioner's conduct showed a complete disregard for military authority and regulations. The Board observed Petitioner was given multiple opportunities to correct her conduct and performance deficiencies but chose to continue to commit misconduct, which led to Petitioner's GEN discharge. Petitioner's conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of her command. Therefore, even taking into consideration all the mitigation factors in Petitioner's case, the Board found that her misconduct and performance during her second enlistment period outweighed the mitigation evidence offered. While the Board noted that flawless service is not required to receive an Honorable characterization of service, the nature and gravity of Petitioner's misconduct and performance led them to conclude that her service was not Honorable.

RECOMMENDATION:

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

That the Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 16 May 1979, Petitioner's was discharged with a narrative reason for separation of "Separation for other good and sufficient reasons when determined by the Secretary of the Navy," SPD code of "JFF," reenlistment code of "RE-1," and separation authority of "BUPERSMAN 3850220." That all other information currently listed on Petitioner's DD Form 214 remains the same.

That no further changes be made to Petitioner's record.

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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.

4/20/2026

[REDACTED]
Executive Director

Signed by: [REDACTED]