



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

██████████
Docket No. 2455-26
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 (Repeal of 10 U.S.C. 654)

Encl: (1) DD Form 149 w/ enclosures

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 narrative reason for separation be changed consistent with references (b) and (c).

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 20 March 2026 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, 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. Although Petitioner's application 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.

b. Petitioner enlisted in the Navy and began a period of active duty on 29 January 1985.

c. On 26 September 1988, Petitioner was subject to nonjudicial punishment (NJP) for violating Article 134, Uniform Code of Military Justice (UCMJ), due to indecent assault.¹

¹ During questioning by Naval Investigative Services, Petitioner admitted to soliciting another to engage in homosexual acts.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED], USN,
XXX-XX-[REDACTED]

d. Subsequently, Petitioner was notified that he was being processed for administrative separation by reason of his admission to homosexual activity or conduct and elected to voluntarily waive his right to a hearing before an administrative separation board.

e. Ultimately, Petitioner was discharged on 22 December 1988 with an Honorable characterization of service, separation reason of "Homosexuality – solicited another to engage in homosexual acts," and an RE-4 reentry code.

f. Petitioner contends that the wording in his narrative reason for separation prevents him from seeking veteran benefits because it is on his discharge record for everyone to see.

g. 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 concluded that Petitioner's request warrants relief.

The Board observed that Petitioner was processed for administrative separation solely based on his homosexual conduct. While the Board noted Petitioner's incident of in-service misconduct, namely the "indecent assault" or act for which he received NJP, they concluded it was due to his solicitation of another service member to engage in homosexual activity. The Board also noted that the incident was investigated and resolved by his immediate commanding officer, who recommended that Petitioner be honorably discharged. Finally, the Board considered that Petitioner was not processed for commission of a serious offense. Thus, the Board found no aggravating factors in Petitioner's record and determined it was in the interests of justice to grant him full relief under reference (c).

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, for the period ending on 22 December 1988, he was discharged under the authority of "MILPERSMAN 3630900," with a narrative reason for separation of "Secretary Plenary Authority," separation code of "JFF," and reentry code of "RE-1J." 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.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED], USN,
XXX-XX-[REDACTED]

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

4/8/2026

