



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 00715-11
27 October 2011

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) 10 U.S.C. 654 (Repeal)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting, in effect, that his RE-4 (not recommended for retention) reentry code be changed to RE-1J per reference (b). He also impliedly requested that his Separation Program Designator (SPD) "HRB" and narrative reason for separation "homosexuality-engaged in, attempted to engage, or solicited another to engage in homosexual act or acts" be changed.

2. The Board, consisting of Mr. Grover, Mr. Pfeiffer, and Mr. Mann, reviewed Petitioner's allegations of error and injustice on 25 October 2011 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, 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. Petitioner enlisted in the Navy and began a period of active duty on 5 March 1991. He served without incident until he submitted a statement admitting to participating in homosexual acts since joining the service. Subsequently, he was administratively processed for separation by reason of homosexuality due to his own admission. His commanding officer forwarded his case and the separation authority directed an honorable discharge. He was so discharged on 6 November 1992. At that time he was assigned an RE-4 reentry code.

c. Reference (b) 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 authority to grant requests to change the narrative reason for discharge to "Secretarial Authority", Separation Program Designator (SPD) code to "JFF" and reentry code to an immediately eligible to reenter category of 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, and especially in light of reference (b), the Board concludes that Petitioner's request warrants favorable action in the form of relief.

The Board concludes that based upon his overall record of service and current Department of the Navy policy as established in reference (b), that relief in the form of his narrative reason for separation be changed to "Secretarial Authority", SPD be separation code changed to "JFF", and reentry code be changed to "RE-1J".

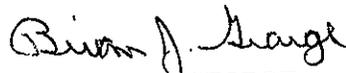
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that the narrative reason for separation was "Secretarial Authority" vice "Homosexuality", that his SPD be changed to "JFF" vice "HRB", and that he was issued an "RE-1J" vice an "RE-4" reentry code on 6 November 1992, all now of record.

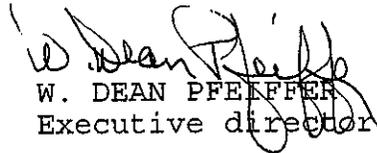
b. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 21 January 2011.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) 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.

ROBERT D. ZSALMAN
Recorder


BRIAN J. GEORGE
Acting Recorder

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.


W. DEAN PFEIFFER
Executive director