



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

BJG
Docket No: 1318-11
8 November 2011

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)

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

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting, in effect, that her RE-4 (not recommended for retention) reentry code be changed to RE-1J per reference (b). She also impliedly requested that her Separation Program Designator (SPD) code of "GRB" and narrative reason for separation, "Homosexuality," be changed.

2. The Board, consisting of Ms. Aldrich and Messrs. McBride and Whalen, reviewed Petitioner's allegations of error and injustice on 1 November 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 2 November 1987. On 26 July 1990, she received nonjudicial punishment (NJP) for absence from her appointed place of duty. Although her record is incomplete, it appears

that she made a statement admitting to being involved in a homosexual act. Based on her admission, she was administratively separated with a type warranted by service record general characterization discharge due to homosexuality, given an SPD code of GRB (Homosexuality), and 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", 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 Petitioner's general characterization of service is correct based on her one NJP. The Board further concludes that based upon her overall record of service and current Department of the Navy policy as established in reference (b), relief in the form of her narrative reason for separation be changed to "Secretarial Authority", SPD code be 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 her SPD code be changed to "JFF" vice "GRB", and was issued an "RE-1J" vice an "RE-4" reentry code on 19 October 1990, 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 7 February 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