



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

SJN  
Docket No: 02436-13  
12 March 2014

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

Subj: REVIEW 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 officer of the Navy, filed enclosure (1) with this Board requesting, in effect, that her characterization of service "Under other than honorable (OTH) conditions", narrative reason for separation, "homosexual conduct", Separation Program Designator (SPD) "HRB", and "RE-4" (not recommended for retention) reentry code, be changed per reference (b).

2. The Board, consisting of Messrs. Zsalman, Gattis, and Exnicios, reviewed Petitioner's allegations of error and injustice on 11 March 2014 and, pursuant to its regulations, determined that the limited 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy Reserve and began a period of active duty on 8 August 1994. On 18 and 30 January 1995, she made statements admitting to being a homosexual and participating in acts on base in the barracks in plain view of another servicemember. Subsequently, she was administratively

processed for separation by reason of homosexuality due to her own admission. Her commanding officer forwarded her case and the separation authority directed an OTH discharge due to convenience of the government by reason of homosexual conduct. She was so discharged on 14 April 1995. At that time she was assigned an RE-4 reentry code.

d. 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 recharacterize discharges to "general or honorable", narrative reason for discharge to "secretarial authority", and separation program designator (SPD) code to "JFF", and to change the 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 or 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 partial favorable relief.

Although the Board recognizes Petitioner's participation in a homosexual acts that occurred in the barracks, and in plain view of another servicemember, and as such is an aggravating factor, it concludes that based upon her relatively short period of service and current Department of the Navy policy as established in reference (b), relief is appropriate. The Board concludes that due to the presence of an aggravating factor, that relief in the form of her characterization of service be changed to "general under honorable conditions", narrative reason for separation be changed to "secretarial authority", SPD be changed to "JFF", and reentry code to "RE-1J".

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she received a "general under honorable conditions" discharge vice the "under OTH conditions" discharge, the narrative reason for separation was "secretarial authority" vice "homosexual conduct", that her SPD code be changed to "JFF" vice "HRA", and that she was issued an "RE-1J" vice "RE-4" reentry code on 14 April 1995. Additionally, that the separation authority be changed to read "MILPERSMAN" vice "MILPERSMAN 3630400 BUPERS WASH DC MSG DTG 202829Z MAR 95", and that the issuance of a new Certificate of Release or Discharge from Active Duty (DD Form 214) is directed.

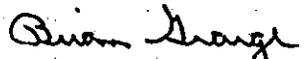
b. That no further relief be granted.

c. That a copy of this report of proceedings be filed in Petitioner's naval record.

d. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 22 February 2013.

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.

  
ROBERT D. ZSALMAN  
Acting Executive director