



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

SJN  
Docket No: 00159-14  
7 March 2014

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 Marine Corps Reserve filed enclosure (1) with this Board requesting, in effect, that his RE-4 (not recommended for retention) reenlistment code be changed per reference (b). He also impliedly requested that the Separation authority "MARCORSEPMAN Par. 6207.3b(2)", separation program designator (SPD) "HRB1 - Discharge involuntary-homosexuality-admission (Admin Discharge Board required but waived)" be changed per reference (b). Additionally, he requested that his official records be changed by removing all documents pertaining to his discharge and be re-instated on active duty.

2. The Board, consisting of Messrs. Zsalman and Exnicios, and Ms. Montgomery, reviewed Petitioner's allegations of error and injustice on 6 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. Petitioner enlisted in the Marine Corps Reserve and began a period of active duty for training on 14 July 1989. On 12 February 1990, he was honorably released from active duty

after completing his required service and transferred to his reserve unit. On 12 September 1992, he submitted a statement admitting that he was a homosexual. An investigation was conducted and 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 26 May 1993. At that time he was assigned an RE-4 reenlistment code.

c. Reference (b) only 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 "JFF1", and the reenlistment 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 partial 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 changed to "JFF1", reenlistment code be changed to "RE-1J", and the separation authority to "MARCORSEPMAN". The Board is not willing to reinstate him since he was discharged over 20 years ago and there is no evidence he could pass an enlistment physical. In view of the above, the Board directs the following limited corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that the narrative reason for separation was "secretarial authority", that his SPD code be changed to "JFF1" vice "HRB1 - Discharge involuntary homosexuality admission (Admin Discharge Board required by waived)", that he was issued an "RE-1J" vice an "RE-4" reenlistment code, and separation authority be changed to read "MARCORSEPMAN" on 26 May 1993.

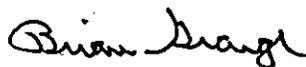
b. That a copy of this report of proceedings be filed in Petitioner's naval record.

c. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 1 May 2012.

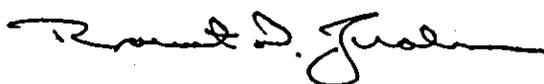
d. That no further relief be granted.

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