



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

JDR
Docket No: 3865-14
10 April 2015

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

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

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

Encl: (1) DD Form 149
(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 impliedly requesting that the narrative reason for separation "homosexual conduct admission," the RE-4 (not recommended for retention) reentry code, the separation program designator (SPD) "HRB," and the separation authority "MILPERSMAN 3630400" be changed per reference (b).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 April 2015, 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. 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.

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c. Petitioner enlisted in the Navy, began a period of active duty on 19 August 1995, and served honorably until his discharge on 10 January 1997. At that time, he 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 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) coded to "JFF", and 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 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 the 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," separation program designator (SPD) coded to "JFF," and the reentry code to an immediately eligible to reenter category of "RE-1J," and the reference paragraph "3630400" removed from the separation authority. In view of the foregoing, the Board directs the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that the narrative reason for separation be changed to "secretarial authority," the separation program designator (SPD) coded to "JFF," the reentry code to an immediately eligible to reenter category of "RE-1J," and the reference paragraph "3630400" removed from the separation authority.

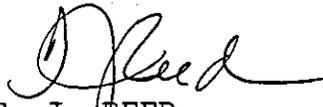
b. That a copy of this report of proceedings be filed in Petitioner's naval record.

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c. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 7 February 2014.

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.



T. J. REED
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 J. O'NEILL
Executive director