



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

JDR
Docket No: 4493-14
6 May 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 requesting, in effect, that his "under honorable conditions (general)" characterization of service, narrative reason for separation "homosexuality - engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts," and separation program designator (SPD) "GKA" be changed per reference (b). He also impliedly requested that the separation authority "MILPERSMAN 3630400" and "RE-4" (not recommended for retention) reentry code be changed.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 5 May 2015, and pursuant to its regulations, determined that the partial 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, began a period of active duty on 13 June 1984, and satisfactorily served without disciplinary incident for about 20 months. However, on 18 February 1986, an administrative board convened for the purpose of considering allegations that Petitioner had demonstrated homosexual conduct. The administrative board found that he demonstrated homosexuality as evidenced by soliciting another to engage in homosexual acts.

c. As a result of the foregoing finding, administrative discharge action was initiated due to soliciting another to engage in homosexual acts. At that time, his case was forwarded recommending a general discharge. The separation authority approved and directed a general discharge due to homosexuality and, on 14 May 1986, he was so discharged.

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 characterization of service to "honorable," narrative reason for discharge to "secretarial authority," SPD code 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 when 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 partial 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," the SPD code changed to "JFF," the reentry code changed to "RE-1J," and the separation authority changed to read "MILPERSMAN 1910-164."

The Board is not willing to change his general characterization of service. In this regard, the Board noted that he demonstrated aggravating circumstances by soliciting members of his command to engage in homosexual acts. The Board also

determined that even under current standards, his conduct would warrant a general discharge. In view of the foregoing, the Board directs the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that, on 14 May 1986, the narrative reason for separation was "secretarial authority," the SPD code was "JFF," and the reentry code was "RE-1J." Additionally, that the separation authority was "MILPERSMAN 1910-164" and that he be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

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 28 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