



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

BC
Docket No: 06511-14
14 November 2014

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

Subj: REVIEW NAVAL RECORD OF [REDACTED] USN,
[REDACTED]

Ref: (a) 10 U.S.C. 1552

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 United States Navy, filed enclosure (1) with this Board requesting, in effect, that his narrative reason of separation be changed.

2. The Board, consisting of Mr. Green, Mr. Spain, and Ms. White-Olson, reviewed Petitioner's allegations of error and injustice on 13 November 2014 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.

c. Petitioner enlisted in the Navy on 22 January 1990. On 12 February 1993, he received nonjudicial punishment (NJP) for sodomy. On 19 May 1993, he was separated from the Navy with an honorable characterization of service by reason of homosexuality - engages in, attempted to engage in, or solicited another to engage in homosexual act or acts, and received an RE-4 reentry code.

d. On 19 August 2009, this Board denied changing the Petitioner's narrative reason for separation. However, in accordance with the Don't Ask, Don't Tell Repeal Act of 2010, the Board determined to change the narrative reason for separation, separation code, and reentry code.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board concludes that Petitioner's record warrants changing the narrative reason for separation, separation code, and reentry code in accordance with the Don't Ask, Don't Tell Repeal Act of 2010.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was separated on 19 May 1993, with the narrative reason for separation of "Secretarial Authority," a separation code of "JFF" and an "RE-1J reentry code.

b. That a copy of this report of proceedings be filed in his record.

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

BC

Docket No: 11577-14

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.

A handwritten signature in black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director