



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

TAL  
Docket No: 739-14  
20 January 2015

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  
(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 Navy, filed enclosure (1) with this Board requesting, in effect, that his under honorable conditions discharge issued on 2 May 1969, due to misconduct be upgraded to an honorable discharge. He further requested that his narrative reason for separation (Fraudulent Enlistment) be changed to "Secretarial Authority", that his Separation Program Designator (SPD) and RE-4 (not recommended for retention) reentry be changed.

2. The Board, consisting of Mr. Boyd, Mr. Relyea, and Mr. Tew, reviewed Petitioner's allegations of error and injustice on 14 January 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.

c. Petitioner enlisted in the Navy and began a period of active duty on 21 September 1967. He was not the subject of any disciplinary action during his enlistment. He made a statement admitting to participation in homosexual acts with civilians

prior to entering the Navy. Subsequently, he was administratively processed for separation by reason of fraudulent enlistment. His commanding officer forwarded his case and the separation authority directed a general discharge due to fraudulent enlistment. He was so discharged on 2 May 1969.

d. Characterization of service is based in part on conduct marks assigned on a periodic basis. His conduct average was 3.5. At the time of his service, a conduct average of 3.0 was required for a fully honorable characterization of service when being discharged due to convenience of the government.

e. 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 change the narrative reason for discharge to "Secretarial Authority", SPD code to "JFF-1", to re-characterize the discharge to honorable, 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 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 favorable action in the form of relief to an honorable characterization of service in this case given his sufficiently high conduct mark average. The narrative reason should be changed to "Secretarial Authority", SPD be changed to "JFF" and reentry code be changed to "RE-1J". In view of the above, the Board directs the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show his characterization of service as honorable vice general, his narrative reason for separation was "Secretarial Authority" vice "Fraudulent Enlistment", he was issued the SPD code "JFF", and he was issued an "RE-1J" vice "RE-4" reentry code on 2 May 1969. Additionally, that he be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

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

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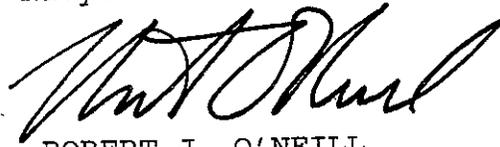
c. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 9 October 2013.

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.



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