

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 September 2024

DOCKET NUMBER: AR20230014665

APPLICANT REQUESTS: correction of Block 26 (Separation Code) and Block 28 (Narrative Reason for Separation) of his DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 4 June 2007, to read "FBL" and "Expiration Term of Service," respectively.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- National Guard Bureau (NGB) Form 55 (Honorable Discharge Certificate)
- DD Form 214
- Orders 162-908, Boone National Guard Center, 11 June 2007
- NGB Form 22 (Report of Separation and Record of Service)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states he recently attempted to obtain a Department of Veterans Affairs (VA) home loan. He is eligible based on 90 days or more active duty during his deployment. However, his separation code and narrative of reasoning for separation are preventing the VA from considering him as eligible, resulting in denial.
3. The applicant entered active duty for training as a member of the Army National Guard on 30 May 2005.
4. On 30 August 2005, he completed training, and he was awarded military occupational specialty 92A (Automated Logistical Specialist). He was awarded the Army Service Ribbon and National Defense Service Medal.

5. The applicant entered active duty on 19 June 2006. He was ordered to active duty in support of Operation Iraqi Freedom in accordance with 10 U.S. Code 12302. Evidence shows he served in Iraq from 26 August 2006 to 5 May 2007.

6. His discharge packet is not available for review; however, his record contains a duly constituted DD Form 214 that shows he was discharged on 4 June 2007 after completing 11 months and 16 days of net active military service this period with no days of lost time. Additionally, he completed 8 months and 8 days of foreign service during the covered period.

a. His DD Form 214 shows he was awarded or authorized: National Defense Service Medal, Global War on Terrorism Service Medal, Iraq Campaign Medal , Army Service Ribbon, Overseas Service Ribbon, and Armed Forces Reserve Medal with "M" Device.

b. His DD Form 214 contains the following block entries:

- Block 23 (Type of Separation) Discharge
- Block 24 (Character of Service) Honorable
- Block 25 (Separation Authority) Army Regulation 635-200, para 15-3A
- Block 26 JRA
- Block 27 (Reentry Code) NA
- Block 28 (Narrative Reason for Separation) Homosexual (ACTS)
- Block 29 (Dates of Time Lost During This Period) None

7. The Under Secretary of Defense for Personnel and Readiness memorandum, dated 20 September 2011, subject: Correction of Military Records Following Repeal of Section 654 of Title 10, U.S. Code, provides policy guidance for Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records to follow when taking action on applications from former service members discharged under Don't Ask Don't Tell, or prior policies. The memorandum states, in pertinent part, that effective 20 September 2011, Service DRBs should normally grant requests in these cases to change the narrative reason for discharge to Secretarial Authority, the SPD code to JFF, and the RE code to an immediately-eligible-to-reenter category.

#### BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered.

a. The applicant's separation packet is not available for review. However, his DD Form 214 shows he was discharged on 4 June 2007 under the provisions of chapter 15 of AR 635-200 due to "Homosexual Acts." He completed 11 months and 16 days of net active service with no lost time. He was assigned Separation Code JRA and Reentry Code NA (since he was in the ARNG). The Board found no error or injustice in his available separation processing. The Board also considered the change in policy upon the repeal of DADT. The Board found no underlying misconduct associated with the applicant's available separation under DADT. Therefore, based on available evidence and the repeal of DADT, the Board determined that a correction to the authority and narrative reason, and associated codes, for his separation is appropriate.

b. According to AR 635-5-1, enlisted Soldiers separating under the provisions of chapter 15 of AR 635-200 for homosexual admission or acts are assigned Separation Code JRB. The applicant's DD Form 214 reflects this Separation Code. The Separation Code FBL that is being requested by the applicant is not an authorized Army Code in AR 635-5-1.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
■	■	■	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. In addition to the correction addressed in Administrative Note(s) below, the Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the DD Form 214 for the period of service ending 8 August 2006 as follows:

- item 25 (Separation Authority): AR 635-200
- item 26 (Separation Code): JFF
- item 27 (Reentry Code): 1
- item 28 (Narrative Reason for Separation): Secretarial Authority

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to Separation Code FBL.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

ADMINISTRATIVE NOTE(S): administratively correct the applicant's DD Form 214 for the period ending on 4 June 2007 without action by the Board, by correcting

- deleting from block 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized), the Iraq Campaign Medal; and
- adding to block 13 the Iraq Campaign Medal with 2 bronze service stars

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 600-8-22 (Military Awards) prescribes Army policy, criteria, and administrative instructions concerning individual and unit military awards and states the Iraq Campaign Medal is awarded to members who have served in direct support of Operation Iraqi Freedom. The area of eligibility encompasses all the land area of the country of Iraq, the contiguous water area out to 12 nautical miles, and all air spaces above the land area of Iraq and above the contiguous water area out to 12 nautical miles. The Iraq Campaign Medal period of eligibility is on or after 19 March 2003 through 31 December 2011. A bronze service star is authorized for wear with this medal for participation in each credited campaign. Approved campaigns are:

- Liberation of Iraq (19 March 2003-1 May 2003)
- Transition of Iraq (2 May 2003-28 June 2004)
- Iraqi Governance (29 June 2004-15 December 2005)
- National Resolution (16 December 2005-9 January 2007)
- Iraqi Surge (10 January 2007-31 December 2008)
- Iraqi Sovereignty (1 January 2009-31 August 2010)
- New Dawn (1 September 2010-31 December 2011)

3. Army Regulation 635-200 sets forth the basic authority for the separation of enlisted personnel. At the time, chapter 15 stated, in effect, that homosexuality was incompatible with military service and provided for the separation of members who engaged in homosexual conduct or who, by their statements, demonstrated a tendency to engage in homosexual conduct.

4. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. At the time, this

regulation prescribed SPD code "JRA" as the appropriate code to assign to Soldiers separated under the provisions of chapter 15 of Army Regulation 635-200, based on homosexual act. Additionally, the SPD/Reentry Eligibility (RE) Code Cross Reference Table established RE code "4" as the proper reentry code to assign to Soldiers separated under this authority and for this reason.

5. The Under Secretary of Defense for Personnel and Readiness memorandum, dated 20 September 2011, subject: Correction of Military Records Following Repeal of Section 654 of Title 10, U.S. Code, provides policy guidance for Service Discharge Review Boards (DRB's) and Service Boards for Correction of Military/Naval Records (BCM/NR's) to follow when taking action on applications from former service members discharged under DADT or prior policies.

6. This memorandum states that, effective 20 September 2011, Service DRB's should normally grant requests in these cases to change the:

- narrative reason for discharge to "SECRETARIAL AUTHORITY"
- separation program designator code to "JFF"
- character of service to honorable, if warranted
- RE code to an immediately-eligible-to-reenter category, "1"

//NOTHING FOLLOWS//