

**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

**FINAL DECISION
BCMR Docket No. 2013-103**

SUMMARY OF THE RECORD

The applicant asked the Board to correct his DD 214 by removing "homosexual act" as the narrative reason for separation. He argued that it should be removed because military policy recently changed with the repeal of Don't Ask, Don't Tell (DADT). His DD 214 shows that he received an honorable discharge on April 8, 1997, pursuant to Article 12.D.4. of COMDTINST M1000.6A, with a separation code of HRA; a reentry code of RE-4 (ineligible to reenlist); and "homosexual act" as the narrative reason for separation. Although the applicant was discharged in 1997, DADT was not repealed until 2011, and so the application was timely filed.

The Judge Advocate General (JAG) of the Coast Guard adopted the findings and analysis in a memorandum prepared by the Personnel Service Center (PSC) and recommended that the Board grant relief. PSC noted that pursuant to a Department of Defense memorandum dated September 28, 2011, the Board has the authority to correct discharges that resulted from DADT if the original discharge was solely based on DADT. PSC noted that there are no aggravating factors in this case and stated that in accordance with the DoD memorandum, the applicant's DD 214 should be corrected by changing the character of discharge to "Honorable"; the narrative reason for discharge to "Secretarial Authority"; the separation code to "JFF"; and the reentry code to "RE-1J." The applicant agreed with the JAG's recommendations.

FINDINGS AND CONCLUSIONS

The applicant was discharged from the Coast Guard in 1997 in accordance with then-extant policy after admitting to being a homosexual. On September 20, 2011, the Under Secretary of Defense announced the repeal of DADT and stated that service members would no longer be subject to administrative separation on the basis of gay, lesbian, or bisexual conduct. The Board finds that the applicant is entitled to the relief recommended by the JAG, except that the applicant's reentry code should be changed to RE-1, not RE-1J. Although the Department of Defense apparently uses the RE-1J code, the Coast Guard does not. The Coast Guard's SPD Handbook authorizes only the use of the RE-1 or RE-4 reenlistment code for members discharged pursuant to Secretarial Authority with separation code JFF. Therefore, the Board will order the Coast Guard to correct the applicant's separation authority in block 25 to PERSMAN Article 12.B.12.; the separation code in block 26 to "JFF"; reentry code in block 27 to RE-1; and narrative reason for separation in block 28 to "Secretarial Authority."

ORDER

The application of former [REDACTED] for correction of his military record is granted. The Coast Guard shall issue him a new DD 214 with the following corrections:

- The Separation Authority shall be PERSMAN Article 12-B-12.
- The Separation Code shall be JFF.
- The Reentry Code shall be RE-1.
- The Narrative Reason for Separation shall be Secretarial Authority.
- The Coast Guard shall issue him a new DD 214 reflecting these corrections, rather than issuing him a DD 215.
- The following notation shall be made in block 18 of the new DD 214: "Action taken pursuant to order of BCMR."

January 23, 2014

