

**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. 2014-163**



SUMMARY OF THE RECORD

The applicant asked the Board to correct his record by upgrading his other than honorable (OTH) discharge to general or honorable so he will be eligible for veterans' benefits. He argued that it should be upgraded because he was discharged due to his sexual orientation but military policy regarding homosexuality changed with the repeal of Don't Ask Don't Tell (DADT). His DD 214 shows that he enlisted in the Reserve on April 4, 1961, and received an OTH discharge on November 9, 1961, for unfitness pursuant to Articles 12-B-12 and 12-B-14 of the Personnel Manual, which authorized discharges for homosexuality. The letter by which his command initiated his discharge on October 20, 1961, states that he had committed no other military or civil offenses and that he was a Class II homosexual, which meant, according to Article 12-B-12, that he had committed a homosexual act but there were no charges of force or coercion against him. His DD 214 also shows that he was given a DD Form 258-CG, OTH discharge certificate.

The Coast Guard recommended that the Board grant relief, alleging that pursuant to a DoD Memorandum dated September 20, 2011, the Board has the authority to correct discharges that were the result of DADT and similar policies regarding homosexual conduct if the original discharge was solely based on DADT and there are no aggravating factors in the record. Because the applicant's record shows that he was discharged solely for homosexual conduct and that there were no aggravating factors, the Coast Guard recommended that the applicant be issued a new DD 214 reflecting an Honorable discharge due to "Secretarial Authority" with the separation code listed as JFF and the reentry code RE-1 (eligible to reenlist) and that any reference to a DD Form 258 discharge certificate be removed from the applicant's record.

FINDINGS AND CONCLUSIONS

The applicant's request was timely filed in June 2014 within three years of the repeal of DADT in September 2011.¹ The record shows that applicant was discharged from the Coast Guard in 1961 in accordance with then-extant policy regarding homosexuality under Articles 12-B-12 and 12-B-14 of the Personnel Manual. The preponderance of the evidence in this case shows that the applicant unjustly received an OTH discharge based only on his homosexuality with no other charges against him. Therefore, full relief should be granted.

¹ 10 U.S.C. § 1552(b) (requiring application within 3 years of discovery of the alleged error or injustice).

ORDER

The application of former [REDACTED] USCGR, for correction of his military record is granted. The Coast Guard shall correct his record to show that he received an honorable discharge; remove from his record any reference to a DD Form 258 discharge certificate; and issue him an honorable discharge certificate, DD Form 256, instead. The Coast Guard shall also issue him a new DD 214 with the following corrections:

- The Character of Service shall be Honorable.
- The Separation Authority shall be PERSMAN Article 12-B-12 (convenience of the Government).
- The Separation Code shall be JFF.
- The Reentry Code shall be RE-1.
- The Narrative Reason for Separation shall be "Secretarial Authority."
- The Discharge Certificate issued shall be DD Form 256.
- The following notation shall be made in the block for remarks: "Action taken pursuant to order of BCMR."

March 27, 2015

