

**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. 2015-125**

██████████
██████████

SUMMARY OF THE RECORD

The applicant asked the Board to correct his record by changing his reenlistment code from RE-4 (ineligible to reenlist) to RE-1 (eligible to reenlist), and to show that he received a Coast Guard Overseas Service Ribbon. He stated that that he is requesting a change to his reenlistment code so he can enlist in the Coast Guard Reserve and argued that it should be changed because he was discharged due to his homosexual admission but that military policy recently changed with regards to the sexual orientation of service members. The applicant's DD 214 shows that he was honorably discharged on September 26, 1997, for homosexual admission pursuant to Article 12-D-4 of the Personnel Manual and received an RE-4 reenlistment code. His record also shows that he served on active duty in Guam ██████████
██████████

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 per DoD Memorandum dated September 20, 2011, the Board should correct discharges that were the result of Don't Ask/Don't Tell (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. PSC stated that the applicant was discharged solely for homosexual conduct and that there are no aggravating factors in this case. Accordingly, PSC recommended that the applicant be issued a new DD 214 with the following corrections, as recommended in the DoD Memorandum dated September 20, 2011: the Narrative Reason for Separation changed to "Secretarial Authority," the Separation Code listed as "JFF," and the Reentry Code noted as "RE-1." PSC also recommended that his DD 214 be corrected to show that he earned the Overseas Service Ribbon because the record shows that he served over 12 months of overseas duty and is eligible for the ribbon pursuant to ALCOAST 615/10.

On October 20, 2015, the Chair sent the applicant a copy of the Coast Guard's advisory opinion and invited him to respond. No response was received.

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. There are no aggravating factors apparent in his military records. Although the applicant did not apply to the Board within 3 years of the repeal of DADT, the Board finds that it is in the interest of justice to excuse the untimeliness because of the strong merits of his request. The narrative reason for separation on the applicant's

DD 214, "Homosexual Admission," may be prejudicial when viewed by certain potential employers. Therefore, the Board agrees with the Coast Guard that the applicant should be issued a new DD 214 in accordance with the DoD Memorandum.

Under ALCOASTs 215/10 and 615/10, members who complete an assignment "overseas," which is defined to include Guam, for at least 12 months are entitled to wear the Overseas Service Ribbon. ALCOAST 615/10 expressly states that the "ribbon may be awarded retroactively to personnel who are credited with completion of a tour of at least 12 months of overseas duty." Therefore, the Board agrees with the Coast Guard that the applicant is entitled to wear the Overseas Service Ribbon, and his new DD 214 should reflect that fact.

(ORDER AND SIGNATURES ON NEXT PAGE)

ORDER

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

- The Coast Guard Overseas Service Ribbon shall be added to block 13.
- The Separation Authority in block 25 shall be PERSMAN Article 12-B-12.
- The Separation Code in block 26 shall be JFF.
- The Reentry Code in block 27 shall be RE-1.
- The Narrative Reason for Separation in block 28 shall be Secretarial Authority.

March 11, 2016

