

UNITED STATES COAST GUARD DISCHARGE REVIEW BOARD

Docket Number: 2022-030

Discharge Issued

Character: Honorable

Narrative Reason: Homosexual Admission

SPD/RE Code: HRB / RE4

Authority of Discharge: COMDTINST M1000.6 Art 12.E.6

Date of Separation: 2009-01-13

DRB Decision

Character: No Change

Narrative Reason: Secretarial Authority

SPD/RE Code: JFF / RE1

New Authority: COMDTINST M1000.6 Art 12.B.12

Discharge Review Board Discussion and Decision:

DISCUSSION:

The applicant was discharged for a homosexual admission after serving a total of 6 months and 16 days on active duty.

The Board thoroughly reviewed all documentation including the applicant's statement. The applicant's Character of Service is Honorable and the separation authority listed on the DD-214 is COMDTINST M1000.6 Article 12.E.6. The SPD handbook prescribes an RE Code of RE4 for an SPD Code of HRB. The former member was discharged for a homosexual admission after making statements regarding their homosexuality. The applicant has no negative marks in their record and was discharged solely under the now obsolete DADT policy. The applicant is requesting to have the narrative reason, separation code, and RE code changed. After reviewing all exhibits and the applicant's Personnel Data Record (PDR), the Board discussed the fact that applicant was an average performer with no negative marks.

The Board finds the former member's discharge was solely the result of DADT, which is no longer consistent with Coast Guard policy. Therefore, the notations on the members current DD214 are inequitable. While the Board finds no error in the original discharge, the repeal of 10 U.S.C. § 654 and its implementing regulations has made the applicant's separation, reentry codes, and narrative reason for separation inconsistent with current policies and procedures. The policies and procedures under which the applicant was discharged differ in material respect to the policies and procedures currently applicable on a service-wide basis. A discharge due to homosexuality is no longer an appropriate discharge under current policy. The current policies represent a substantial enhancement of the rights afforded to the applicant.

The Board has substantial doubt that the applicant would have received the same discharge if relevant current policies and procedures had been available to the applicant at the time of discharge. The Board finds the former member should be issued a new DD-214 with the following corrections: the separation authority should be COMDTINST M1000.6 Article 12.B.12; the narrative reason for separation should be "Secretarial Authority"; the separation code should be "JFF"; and the reentry code should be RE1 (eligible for reenlistment). Previously, an RE4 reentry code was authorized to be assigned for this type of separation. An RE4 reentry code signifies that the applicant is not recommended or is ineligible for reenlistment. Due to the repeal of DADT, an RE4 is no longer justified and should be upgraded to RE1.

RECOMMENDATION: The Board members thoroughly reviewed the applicant's record of service and all available documentation. The Board deemed that the applicant's separation authority, separation code, re-entry code, and

reason for separation should be changed. The applicant has sustained an inequity, and their records should be corrected accordingly. re-entry code, and reason for separation should be changed. The applicant has sustained an inequity, and their records should be corrected accordingly.

In reviewing discharges, the Board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence (to include evidence submitted by the Applicant) to rebut the presumption.