



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 02455-13
12 March 2014

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) 10 U.S.C. 654 (Repeal)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former officer of the Navy Reserve, filed enclosure (1) with this Board requesting, in effect, that her characterization of service, "Under Honorable Conditions", be changed per reference (b). She also impliedly requested that her narrative reason for separation, authority "BUPERS ORDER 118269 OF 20 JANUARY 1975 CODE GLC" (Unfitness-engaged in homosexual activity) be changed.
2. The Board, consisting of Messrs. Zsalman, Gattis, and Exnicios, reviewed Petitioner's allegations of error and injustice on 11 March 2014 and, pursuant to its regulations, determined that the limited corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.
 - c. Petitioner was commissioned in the Navy Reserve and began a period of active duty on 9 September 1970. On 9 October 1974, she made a statement to the Naval Investigative Service admitting to being in a homosexual relationship with an enlisted

servicemember. Subsequently, she was administratively processed for separation by reason of homosexuality due to her own admission. On 13 November 1974, she submitted her resignation and requested a general discharge. On 2 December 1974, the separation authority advised Petitioner of her procedural right to have her case heard by a board of officers. On 17 December 1974, she submitted her resignation from the Navy Reserve and acknowledged that she would receive an other than honorable (OTH) discharge. She also waived the right to have her case heard by a board of officers. Her commanding officer forwarded her case and the separation authority recommended that her resignation be accepted and that she receive an OTH discharge. On 20 January 1975, the Secretary of the Navy accepted her resignation and directed separation under OTH conditions. She was so discharged on 6 February 1975 and assigned a "GLC" SPD code. On 27 January 1977, the Navy Discharge Review Board changed her characterization of service to general and narrative reason for separation to "BUPERS ORDER 118269 OF JANUARY 1975 CODE GLC".

d. Reference (b) sets forth the Department of the Navy's current policies, standards, and procedures for correction of military records following the "don't ask, don't tell" (DADT) repeal of 10 U.S.C. 654. It provides service Discharge Review Boards with the authority to grant requests to recharacterize discharges to "general or honorable", narrative reason for discharge to "secretarial authority", separation program designator (SPD) code to "JFF", when the original discharge was based solely on DADT or a similar policy in place prior to enactment of it and there are no aggravating factors or misconduct.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of reference (b), the Board concludes that Petitioner's request warrants partial favorable relief.

Although the Board recognizes Petitioner's participation in homosexual acts with a subordinate servicemember, and as such is an aggravating factor, it concludes that based upon her record of service and current Department of the Navy policy as established in reference (b), relief is appropriate. The Board also concludes that due to the presence of an aggravating factor, that further relief regarding her characterization of service is not warranted and the discharge will remain under honorable conditions. However, relief in the form of her narrative reason for separation be changed to "secretarial authority", SPD be changed to "JFF", and separation authority to "BUPERS ORDER 118269 OF JANUARY 1975".

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that the narrative reason for separation was "secretarial authority", that her SPD code be changed to "JFF" vice "GLC", and separation authority to "BUPERS ORDER 118269 OF JANUARY 1975". Additionally, the issuance of a new Certificate of Release or Discharge from Active Duty (DD Form 214) is directed.


b. That no further relief be granted.

c. That a copy of this report of proceedings be filed in Petitioner's naval record.

d. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 22 February 2013.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


BRIAN J. GEORGE
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


ROBERT D. ZSALMAN
Acting Executive director