



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

[REDACTED]
Docket No: 3910-16
JUN 10 2016

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

Subj: REVIEW NAVAL RECORD OF [REDACTED] XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) 10 U.S.C. 654 (Repeal)
(c) UNSECDEF Memo of 20 Sep 11 (Correction of military records following repeal of 10 U.S.C. 654)

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

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting, in effect, that his "Under Honorable Conditions" characterization of service be changed. He also impliedly requested that his "misconduct – fraudulent enlistment" narrative reason for separation, "HKG" Separation Program Designator (SPD), and "RE-4" reenlistment code be changed per reference (b). Additionally, that the separation authority "BUPERSMAN 3420185 and BUPERS LTR OF 9 JAN 70" be changed.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 June 2016 and, pursuant to its regulations, determined that the 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 enlisted in the Navy and began a period of active duty on 26 February 1979. Subsequently, he made a voluntary statement admitting to pre-service homosexual conduct. Although the discharge paperwork is not in Petitioner's record, on 23 May 1979, Petitioner received a general under honorable conditions discharge.

d. Reference (c) sets forth the Department of Defense'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 guidance to grant requests to change the narrative reason for discharge to "secretarial authority," SPD code to "JFF," re-characterized the discharge to general or honorable, and reenlistment code to "RE-1J," 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 in the record, such as misconduct.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of references (b) and (c), the Board concludes that Petitioner's request warrants relief. In this regard, his characterization of service should be changed to "honorable," reentry code to "RE-1J," SPD code to "JFF," and the narrative reason for separation to "secretarial authority." Additionally, the separation authority shall be changed to read "MILSPERMAN 1910-164." In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

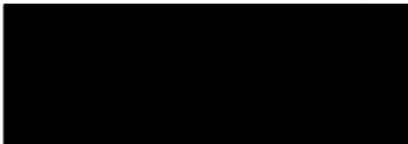
a. That Petitioner's naval record be corrected to show that on 23 May 1979, he received a "honorable discharge" by reason of "secretarial authority," was assigned SPD code "JFF," and reentry code "RE-1J." Additionally, the separation authority was "MILSPERMAN 1910-164."

b. That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

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 28 April 2016.

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.


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.


Executive director