



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

[REDACTED]
Docket No: 7873-16

DEC 11 2017

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED] USN,
[REDACTED]

Ref: (a) 10 U.S.C. §1552
(b) 10 U.S.C. §654 (repealed)
(c) UNSECDEF memo of 20 Sep 11 (Correction of Military Records Following Repeal of 10 U.S.C. §654)

Encl: (1) DD Form 149 w/enls
(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 that his narrative reason, reenlistment code, and separation code be changed on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 October 2017, 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, relevant portions of Petitioner's 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 15 April 1986. On 17 April 1995, he submitted a voluntary statement admitting to being a homosexual. After being afforded all of his procedural rights, on 22 May 1995, his Commanding Officer forwarded a

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recommendation to the separation authority that he receive an honorable discharge. After being afforded all his procedural rights, he received an honorable discharge on 7 July 1995.

d. Reference (c) sets forth the Department of the 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 guidance to grant requests to change the narrative reason for discharge to "secretarial authority," SPD code to "JFF," re-characterize the discharge to 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, and there are no aggravating factors in the record, such as misconduct. Although Petitioner was administratively process for homosexuality and misconduct, the separation authority directed that she be discharged due to misconduct.

In view of the above, the Board directs the following corrective action.

CONCLUSION:

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

The Board concludes that based upon his record of service and current Department of the Navy policy as established in reference (b) and (c), that relief in the form of his narrative reason for separation be changed to "secretarial authority", SPD be changed to "JFF", and reentry code be changed to "RE-1J".

RECOMMENDATION:

Petitioner's naval record be changed to show that the narrative reason for separation was "secretarial authority," his SPD code be changed to "JFF," and reenlistment code be changed to "RE-1J" reentry code.

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

A copy of this report of proceedings be filed in Petitioner's naval record.

Upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 1 September 2016.

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[REDACTED]

4. 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.

[REDACTED]

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.

[REDACTED]

Executive Director