



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

[REDACTED]
Docket No: 7950-16

APR 14 2017

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USN, [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
(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, a change to his narrative reason for separation, a change to his separation code of "HRB," and a change to his "RE-4" reenlistment code. Enclosures (1) through (3) apply.

2. The Board reviewed Petitioner's allegations of error and injustice on 9 January 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, 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 on 11 October 1989. Records indicate that on 23 February 1996, Petitioner's Commanding Officer recommended that Petitioner be separated on the basis of a homosexual admission and admission to engaging in homosexual acts.

d. After being afforded all of his procedural rights, it was recommended that Petitioner receive an honorable discharge as warranted by his service record. On 5 March 1996, Petitioner was discharged from the Navy with an honorable characterization of service, a separation

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authority of MILPERSMAN 36300400, a separation code of "HRA," a narrative reason pf "Homosexual Conduct Acts," and an RE-4 reenlistment code.

e. 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," 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 full relief. In this regard, the Board notes Petitioner's overall record of military service and current Department of the Defense policy as established in references (b) and (c), that relief in the form of his narrative reason changed to "Secretarial Authority." Additionally, that his SPD code changed to "JFF," reenlistment code changed to "RE-1J," and separation authority changed to read "MILPERSMAN 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 5 March 1996, he was issued an "honorable" discharge by reason of "Secretarial Authority." Additionally, that his SPD code was "JFF," reenlistment code was "RE-1A," and the separation authority was "MILPERSMAN 1910-164." It is further directed that he be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

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

c. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 2 September 2016.

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

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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