



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



Docket No: 323-17
APR 14 2017

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

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

Ref: (a) 10 U.S.C. 1552
(b) Public Law 111-321 (Don't Ask, Don't Tell Repeal Act of 2010)
(c) UNSECDEF Memo OF 20 Sep 11 (Correction of Military Record 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 filed enclosure (1) with this Board requesting, that his "under honorable" (general) discharge be changed per references (b) and (c). Implicit in this request is that changes also be made, consistent with reference (c), to the narrative reason for separation, separation program designator (SPD), reenlistment (RE) code, and separation authority indicated on Petitioner's discharge from the military.
2. The Board reviewed Petitioner's allegations of error and injustice on 29 March 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 and began a period of active duty on 7 August 1975. On 11 February 1976, Petitioner made a statement admitting to his participation in homosexual conduct. As a result of the foregoing, administrative discharge action was initiated.

After being afforded all of his procedural rights, it was directed that Petitioner receive an under honorable conditions discharge by reason of homosexual admission. On 5 March 1976, Petitioner was discharged.

d. Reference (c) sets forth the Department of Defense's current policies, standards, and procedures for correction of military records following the repeal of "Don't Ask, Don't Tell" (DADT) (reference (b)). It provides the Board for Correction of Naval Records with guidance for granting requests to change the characterization of service to "general" or "honorable," narrative reason for discharge to "secretarial authority," SPD code to "JFF," and reentry code to "RE-1J," when the original discharge was (1) based solely on DADT or a similar policy that preceded DADT, and (2) there are no aggravating factors in the record, such as misconduct.

CONCLUSION:

After considering enclosures (1) through (3), Petitioner's overall record of military service, and the law and policy established in references (b) and (c), the Board concludes that Petitioner's request warrants relief in the form of changing Petitioner's characterization of service to "honorable," the narrative reason for separation to "secretarial authority," SPD code to "JFF", reenlistment code to "RE-1J," and separation authority to "MILPERSMAN 1910-164."

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 5 March 1976, Petitioner's characterization of service was "honorable," the narrative reason for separation was "secretarial authority," the SPD code assigned was "JFF," the reenlistment code was "RE-1J," and the separation authority was "MILPERSMAN 1910-164."

b. That Petitioner should 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 will be informed that Petitioner's application was received by the Board on 11 January 2017.

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

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

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