



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

[REDACTED]
Docket No: 631-17
JUL 19 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 (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 (NR20170000631) with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting correction to his Certificate of Release or Discharge from Active Duty, to include consideration of his narrative reason for separation, a change to his separation code of "HRA," and a change to his "RE-4" reenlistment code. Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 17 April 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 18 October 1979. On 17 November 1981, he made a written admission of homosexual conduct. Subsequently, he was notified of proposed administrative separation by reason of misconduct and homosexual conduct. He did not consult with counsel and waived his right to an administrative discharge board.

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On 4 January 1982, his commanding recommended a general discharge by reason of misconduct and engaging in homosexual acts.

d. On 17 February 1982, Petitioner was discharged with an honorable characterization of service, with a separation authority of MILPERSMAN 3420189, a separation code of "HRA," a narrative reason of "Homosexuality- Engaged in Attempted to Engage in or Solicited Another to Engage in a Homosexual Act or Acts," and an RE-4 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 characterization of service to "honorable," 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:

That Petitioner's naval record be corrected to show that on 17 February 1982, he was issued an "honorable" discharge by reason of "Secretarial Authority." Additionally, that his SPD code was "JFF," reenlistment code was "RE-1J," and the separation authority was "MILPERSMAN 1910-164."

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

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

That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 24 January 2017.

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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