

**DEPARTMENT OF HOMELAND SECURITY
BOARD FOR CORRECTION OF MILITARY RECORDS**

Application for the Correction of
the Coast Guard Record of:

BCMR Docket No. 2007-135

**XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX**

FINAL DECISION

This is a proceeding under the provisions of section 1552 of title 10 and section 425 of title 14 of the United States Code. The Chair docketed the application on May 25, 2007, upon receipt of the applicant's his military record, and subsequently prepared this decision for the Board as required by 33 C.F.R. § 52.61(c).

This final decision, dated February 21, 2008, is approved and signed by the three duly appointed members who were designated to serve as the Board in this case.

APPLICANT'S REQUEST

The applicant asked the Board to correct his record by removing "homosexual act" as the reason for his discharge from the Coast Guard and by upgrading his RE-4 (not eligible for reenlistment) reenlistment code to RE-1 (eligible for reenlistment). The applicant further requested that he be credited with 18 months of additional active service and the corresponding back pay so that he can benefit from the Montgomery G.I. Bill.

The applicant was discharged from the Coast Guard with an honorable discharge by reason of "homosexual act." He was assigned an RE-4 reenlistment code and a JRA (homosexual act) separation code.¹ The applicant enlisted in the Coast Guard on April 2, 2002 and was discharged on September 9, 2004.

BACKGROUND

On June 17, 2004, the Coast Guard Investigative Service (CGIS) began an investigation into allegations that the applicant and another male shipmate were suspected of committing

¹ The Separation Program Designator (SPD) Handbook states that the JRA separation code is assigned to a member who has engaged in or attempted to engage in or solicited another to engage in a homosexual act and is involuntary discharged with no board entitlement.

sodomy with each other. (A redacted copy of the summary of the CGIS investigation was submitted by the applicant and is discussed under the allegations portion of this decision.)

On July 13, 2004, the CO informed the applicant that procedures had been initiated to discharge the applicant from the Coast Guard for homosexual conduct. The CO informed the applicant that three witnesses had made official statements that they had either seen the applicant and another male crew member engage in homosexual acts, viewed the applicant performing homosexual acts on a videotape, or both. The CO informed the applicant that the witnesses' statements were taken by CGIS and that he deemed them to be credible. The CO stated that under the Personnel Manual such statements create a rebuttable presumption that the applicant engages in homosexual acts and that the statements establish probable cause to separate him from the Coast Guard.

The CO informed the applicant that he had the right to rebut the presumption before an administrative discharge board (ADB) of at least three officers. He also informed the applicant that he had the right to be represented by a military attorney before the ADB or by a civilian attorney at his own expense. The applicant also had the right to waive the ADB and/or submit a statement on his behalf. The applicant was informed that the Commander, Coast Guard Personnel Command (CGPC) had final approval of any recommended discharge and the type of discharge the applicant would receive.

On July 13, 2004, the applicant signed a statement acknowledging that he had the right to present his case to an ADB, to be represented by counsel, and to submit a statement in his behalf. In his signed statement, the applicant also waived his right to a hearing before an ADB, the right to submit a statement in his behalf, and the right to counsel. He also affirmed his understanding that a discharge "under other than honorable conditions," if awarded, would probably deprive him of many or all of his rights as a veteran under both federal and state legislation. He verified that he voluntarily signed the statement waiving his rights.

On July 23, 2004, the applicant was punished at captain's mast for violating Article 134 of the UCMJ in that he performed indecent acts with another in the presence of other Coast Guard personnel. He was also punished for writing bad checks to the ship's store, a violation of Article 134. Prior to the mast, the CO had appointed a preliminary investigating officer (PIO) to investigate the allegations against the applicant. The CGIS investigation was listed as reference (d) of the PIO's investigation. Of concern are the PIO's findings and opinions with respect to the indecent acts. The PIO found that the applicant denied participation in the acts that were described in the CGIS investigation. He also found that the applicant believed that SN A made up the story due to their dispute about rent. The PIO offered the following opinion:

[SN B] and [the applicant] are either guilty of the charge of Article 134; indecent acts with another or they are victims of shipmates conspiring to implicate them in the alleged offenses. The degree of planning and conspiring necessary to fabricate the details associated with this alleged offense is too extensive to reasonably believe that this was the case.

The applicant prepared a written statement for the PIO. He stated that SN A could have gone into his room without his permission and obtained some video tapes. However, he had no such tapes that showed the conduct about which SN A described to CGIS. He denied that there was any evidence of him being a homosexual because he was not one.

On August 12, 2004, LCDR H (CGPC-epm-1), in a memorandum "Personal for Commanding Officer's Eyes Only," directed that the applicant be discharged with an honorable discharge by reason of homosexual conduct under Article 12.E.6 of the Personnel Manual. The LCDR also directed that the applicant's DD Form 214 show HRA as the separation code and "homosexual" as the narrative reason for discharge. He directed that the applicant surrender his uniform, that he receive transition benefits, and that no recoupment occur for any unearned portion of an enlistment or selective reenlistment bonus.

The applicant was discharged on September 9, 2004, and filed his application with the Board on May 7, 2007.

ALLEGATIONS

The applicant alleged that despite his solid military record and generosity towards fellow shipmates, he was not immune to salacious rumors regarding his off-duty conduct or sexual preferences. He alleged that the command overly relied on inconsistent statements from witnesses who were biased against him and on the lack of any physical evidence to support the rumors.

On June 17, 2004, the applicant's commanding officer (CO) requested that the Coast Guard Investigative Service (CGIS) investigate allegations of sodomy between the applicant and SN B. The sodomy allegedly occurred in front SN A and one of her friends. SN A, the applicant, and SN B shared a residence at one point.

The applicant alleged that the main witness against him, SN A, was a female shipmate who was in a monetary dispute with him about rent. According to the applicant, the dispute with SN A was whether he agreed to let her live rent free in the house with him and SN B. The applicant stated that his agreement with SN A was that she could live in the premises for one month before paying the back rent she owed. He stated that at the time of his captain's mast for indecent acts and for dishonorably failing to pay his debt to the ship's store by writing three bad checks, SN A had moved out of the house and had not paid the rent owed to the applicant. He also suggested that SN A's statement against him may have been motivated by his negative reactions to her romantic advances. The applicant also submitted a statement from BT who stated that in June while he was standing the 2000 to 2400 watch, SN A came aboard. BT stated that SN A asked about seeing the chief. BT stated that when he asked SN A if anything was wrong, she replied that she was fine but that she had to talk to the chief about SN B and the applicant stealing some things from her locker. According to BT, SN A further stated that she was upset and that she was going to f___ the applicant and SN B.

The applicant further argued that SN A's CGIS statement was not credible because it contained inconsistencies with her subsequent statement to the PIO or with the statements of the other witnesses. The applicant noted the following inconsistencies in SN A's statement:

- That SN A stated to CGIS that she moved in with the applicant because she was told that she did not have to pay rent, but stated in a follow-up statement to the command that she moved in so that she could own a pet.
- That SN A wrote in her CGIS statement that she witnessed the applicant and SN B engaging in indecent acts in the living room of the home. However SN A's friend's CGIS statement mentioned nothing of a sex act occurring in the downstairs living room, but rather occurring in the upstairs bedroom.
- That SN A stated that she and her female friend watched about 15 minutes of video showing the applicant engaging in certain sex acts with SN B, but her friend's CGIS statement made no mention SN A watching 15 minutes of video. Moreover, the applicant stated that these alleged video tapes, which the applicant stated she had in her possession for a period of time, were never recovered or viewed by CGIS.

The applicant stated that SN A was merely an acquaintance and it is not reasonable to believe that he would allow her to stay in a house he was renting completely rent free, particularly in light of his own financial hardship.

The applicant argued that because of the glaring inconsistencies between SN A and her friend's statements, it is not hard to imagine the great likelihood that both women were "in cahoots" and that the video tapes never, in fact, existed. The applicant offered the following as a review of his arguments:

[T]he prime witness in the case is someone who was in a significant monetary dispute over unpaid rent to [the applicant] and who instead spent the money on an \$850 dog . . . According [to the statement of SN B] to CGIS investigators, SN A "had an attraction to [the applicant] that was not mutual and she is vindictive and intentionally spreads rumors about . . . [the applicant's] sexuality." . . . To his credit, the investigating officer does recognize that Coast Guard member [BT's] unsolicited written statement "alludes to a possibility that SN A has a motive to get SN B and [the applicant] into trouble."

[BT] came forward when he found out that SN A was involved because he felt it was the right thing to do. . . . Clearly, the investigating officer failed to appreciate the sinister motives of SN A in this case. Had he further explored the drastically inconsistent witness statements, the close personal relationship of four women making the salacious claims, and the utter lack of physical evidence, he would have come to the correct conclusion that the weight of an Article 134 (indecent acts) charge could not be sustained by the flimsy and sloppy conspiracy set in notion by a female shipmate with an axe to grind.

* * *

[The applicant] provided over two years of faithful service to the Coast Guard. On his DD 214, which he must show to all future employers or institutions of higher learning, it states that the reason for his separation was for participating in a homosexual act. This is patently unfair and unjust given that: 1) no physical evidence exists of such an act; 2) [the applicant] never made a statement to investigators or his chain of command that he committed any such act; and 3) the primary witness of this alleged act was a female shipmate in a monetary dispute with [the applicant] who may have ultimately been angered after [the applicant] rebuffed her romantic advances. This Board has authority and more than sufficient justification to correct this injustice done to [the applicant] and grant the requested relief.

Redacted Copy of CGIS Investigation

The portion of the CGIS investigation provided by the applicant is heavily redacted and very confusing. The investigation appears to contain a summary of six statements: one each from SN A, and SN B, and a statement from each of four other individuals referred to as acquaintances of SN A. The CGIS statements are summarized as follows:

1. SN A stated to CGIS that she moved in with the applicant and SN B because she was told that she did not have to pay rent. She stated that after she moved in she saw the applicant and SN B grab each other in a flirtatious manner and that she observed them kissing. She stated that one evening in mid-May a friend of hers was visiting and they saw SN B perform oral sex on the applicant in the living room, at which point SN A quickly left the room. She stated that when she returned she stated that her friend who had gone upstairs to the applicant's room called for SN A. When she got up to the applicant's room, he had a video tape playing on which she saw the applicant and SN B having oral sex. She stated that she watched the video for only about fifteen minutes, although there appeared to be about two hours of video.

2. Acquaintance # 1 stated that during a port call in Honolulu, she observed the applicant and SN B kissing. She stated that she considered herself to be friends with SN A.

3. Acquaintance # 2 stated that she had never observed the applicant and SN B engage in any homosexual activity.

4. Acquaintance # 3 stated that she accompanied SN A and another friend to the applicant's residence and that SN A and the other person went up stairs to the applicant's room to locate the video tapes. Acquaintance # 3 stated that SN A and the other friend found five or six tapes and brought them downstairs to show her. Acquaintance # 3 stated that they watched the video tapes using the video camera. She stated that she saw

the applicant and SN B having anal intercourse on one of the video tapes and the applicant involved in a “threesome” that included SN B on the other.

5. Acquaintance # 4 stated that she went to the applicant’s house sometime between May 15, 2004 and May 25, 2004. The subject of a video tape of the applicant and SN B having sex came up. The witness stated that she went upstairs and the applicant played the video for her. She stated that the video had scenes of the applicant and SN B having anal intercourse. She stated that SN B then performed oral sex on the applicant in her presence.

6. SN B who was allegedly involved in homosexual acts with the applicant stated to CGIS that SN A was attracted to the applicant, but the applicant was not interested. SN B stated that as a result of the applicant’s lack of interest in SN A, he believed the SN A became vindictive and began spreading rumors about the applicant’s and his sexuality. SN B denied having a homosexual relationship with the applicant and denied the existence of any sexually explicit videos involving the applicant and himself.

VIEWS OF THE COAST GUARD

On October 11, 2007, the Board received an advisory opinion from the Judge Advocate General (JAG), recommending that the Board accept the comments from CGPC as the Coast Guard’s advisory opinion in this case.

CGPC recommended only that the applicant’s DD form 214 be corrected by changing the separation authority in block 25 from “COMDTINST M1000.6 Article 12-B-18 (misconduct) to COMDTINST M1000.6 Article 12.E.5 (homosexual) and the separation code in block 26 from JRA to HRA.²

CGPC stated that the applicant presents numerous arguments to support his assertion that the witnesses who claimed to have seen him engaging in homosexual activity were retaliating against the applicant because one of the witnesses was in a monetary dispute with him. CGPC stated however that the applicant freely waived his ADB, which was the appropriate venue for him to refute the allegations that he engaged in homosexual conduct. The ADB is the forum in which the applicant could have had a hearing to rebut the allegations and representation by a military lawyer. CGPC argued that in the absence of an ADB hearing, which the applicant waived, the Coast Guard is presumed to have acted correctly. CGPC stated that the applicant was afforded all due process and elected not to have his concerns addressed by an ADB.

With respect to the applicant’s request to have his reenlistment code upgraded to RE-1, CGPC argued that the assigned RE-4 reenlistment code is the only code authorized for homosexual conduct or misconduct discharges and the RE-4 code is consistent with Coast Guard policy. CGPC further stated that the applicant’s DD Form 214 properly lists “homosexual acts”

² The Separation Program Designator (SPD) Handbook states that the HRA separation code is assigned to a member who has engaged in or attempted to engage in or solicited another to engage in a homosexual act and is involuntary discharged in lieu of further processing or convening of a board (board waiver).

as the reason for the applicant's discharge. CGPC stated the reason listed on the applicant's DD Form 214 is consistent with the discharge directions from CGPC-epm-1 and COMDTINST M1900.4D.

As indicated earlier, CGPC noted some technical errors on the applicant's DD Form 214 and recommended that those be corrected. CGPC did not recommend further relief and stated that the information presented in the BCMR application is not new information and was available to the applicant prior to waiving his ADB. CGPC noted that in the applicant's waiver of a hearing he stated that he did not object to the discharge for homosexual acts.

APPLICANT'S REPOSENSE TO THE VIEWS OF THE COAST GUARD

On December 5, 2007, the BCMR received the applicant's reply to the views of the Coast Guard. The applicant argued that his application should be granted.

The applicant argued that while the Coast Guard recommends denial of the application, it failed to address the applicant's arguments. The applicant stated that the Board has "an abiding moral sanction to determine, insofar as possible, the true nature of an alleged injustice and to take steps to grant thorough and fitting relief." *Yee v. United States*, 512 F.2d 1383, 1387-88 (Ct. Cl. 1975).

The applicant stated that the following quote from the advisory opinion, blatantly acknowledges the fact that the applicant not only has arguments to affirm the fact that the allegations made against him were falsified, but that he has support to confirm his arguments:

The applicant alleges that the statements made to investigators by the witnesses were submitted in retaliation over a monetary dispute between the applicant and one of the witnesses along with the applicant's not being receptive to the witness's romantic desires for him. *The applicant presents numerous arguments to support this assertion.* [Emphasis added.] However, the applicant freely waived his Administrative Discharge Board (ADB) which was the appropriate venue to refute the allegations made against him.

The applicant disagreed with CGPC that because he waived his ADB that he is not entitled to relief. The applicant stated that it is the duty of the Board to see that justice is served to those who have suffered injustice. The applicant stated that the waiver of his ADB does not mean he should not obtain relief under 10 U.S.C. § 1552.

The applicant stated that as noted by the advisory opinion, he presents support for his case. The applicant stated that there is no credible evidence against him. He argued that the only evidence against him is hearsay that was given by complainants who had more than enough reason to be dishonest.

The applicant's argued that the assigned RE-4 reenlistment code may be in agreement with Coast Guard policy, but it does not hold any basis for him. He argued that there is nothing

to confirm that he was involved in any homosexual behavior. Therefore, he argued that his DD-214 should reflect an RE-1 reenlistment code and that he should be granted the requested relief.

APPLICABLE REGULATIONS

Article 12.E.3.1. of the Personnel Manual states a service member shall be separated if he or she has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts, unless there are approved further findings of all these:

- a. Such acts depart from the member's usual, customary behavior;
- b. Such acts under all circumstances are unlikely to recur;
- c. Such acts were not accomplished by using force, coercion, or intimidation;
- d. Under the particular circumstances of the case, the member's continued presence in the Coast Guard is consistent with the Coast Guard's interests in proper discipline, good order, and morale; and
- e. The member does not have a propensity or intent to engage in homosexual acts.

Article 12.E.5. of the Personnel Manuals states that members with 180 days or more of service shall be entitled to an administrative discharge board (ADB) proceeding to rebut the presumption that he or she is homosexual.

Article 12.E.7.1. of the Personnel Manual states that commanding officers may initiate fact-finding inquiries into alleged homosexual conduct only after receiving credible information that a basis exists for discharge. This provision further provides that credible information is that which, considering its source and the surrounding circumstances, supports a reasonable belief that there is a basis for discharge. Such a belief requires a determination based on facts which can be articulated, not just a belief or suspicion. A commanding officer personally or a person he or she appoints may conduct a fact-finding inquiry.

Article 12.E.7.2. of the Personnel Manual states that credible information about homosexual conduct does not exist if the only information known concerns as associational activity; e.g., going to a gay bar, possessing or reading homosexual publications, associating with known homosexuals, or marching in a gay rights rally in civilian clothes. However, such activity, in and of itself, does not provide evidence of homosexual conduct. Credible information does exist, however, if a reliable person states he or she observed or heard a service member engaging in homosexual acts or saying he or she is a homosexual or bisexual.

Article 12.E.7.3. of the Personnel Manual states that service members will not be asked about or required to reveal whether they are heterosexual, homosexual, or bisexual. However, on receiving credible information of homosexual conduct, commanders or appointed inquiry officials may ask members if they engaged in such conduct. These officers first should advise the service member of the policy on homosexual conduct and of his or her right under Article

31(b), UCMJ, if applicable. Should the service member choose not to discuss the matter further, the commander should consider other available information.

Article 12.E.8. of the Personnel Manual states that criminal investigations will not be conducted solely to determine whether a service member is heterosexual, homosexual, or bisexual. However, in cases which involve a service member's violations of this policy in regards to homosexual or bisexual activity, the commander may request that CGIS initiate an investigation to determine the validity of allegations of homosexual misconduct for use in subsequent administrative or criminal proceedings.

FINDINGS AND CONCLUSIONS

The Board makes the following findings and conclusions on the basis of the applicant's submissions and military record, the Coast Guard's submission, and applicable law:

1. The Board has jurisdiction of this case pursuant to section 1552 of title 10 United States Code. The application was timely.

2. The applicant requested an oral hearing before the Board. The Chair, acting pursuant to 33 C.F.R. § 52.31, denied the request and recommended disposition of the case without a hearing. The Board concurs in that recommendation.

3. The applicant's CO informed the applicant that he had credible evidence from three individuals that they had seen the applicant engage in homosexual acts and/or viewed the applicant performing homosexual acts on a video tape, and that under the Personnel Manual such statements created a rebuttable presumption that the applicant engaged in homosexual acts. The CO stated that the credible statements formed a probable cause basis for the applicant's separation from the Coast Guard. The applicant was provided an opportunity to rebut the presumption that he engaged in homosexual acts at an ADB hearing. He waived the hearing, his right to counsel, and his right to make a statement in his behalf. He was subsequently discharged from the Coast Guard.

4. The applicant has the burden of proving that the Coast Guard committed an error or injustice by discharging him due to homosexual acts under Article 12.E. of the Personnel Manual. He argued that the main witness against him, SN A, retaliated against him with rumors about his sexuality because of a monetary dispute between them, or because she believed that the applicant and SN B had taken something from her locker, or because he spurned her romantic interest.

5. There is some evidence in the record that there was a disagreement between SN A and the applicant with respect to rent owed. There is also a suggestion that SN A may have been romantically interested in the applicant and that she may have believed that the applicant took something from her locker for which she wanted revenge. Even so, SN A's statement that the applicant engaged in homosexual acts with another crewmember is corroborated by other individuals who stated that they either observed the applicant engage in homosexual acts and/or saw him do so on a video tape. CGIS investigated the matter of the applicant's homosexual acts

at the request of the CO. CGIS obtained statements from SN A and four of her acquaintances. SN A stated that the applicant and SN B engaged in oral sex in her presence and that she saw them engage in sex on a video tape. In addition to SN A, two other individuals provided evidence that the applicant engaged in homosexual acts. For instance, one acquaintance stated that she viewed video tapes of the applicant and SN B engaging in anal intercourse. A second acquaintance stated that she also viewed a video tape of the applicant and SN B engaging in anal intercourse and that SN B and the applicant engaged in oral sex in her presence. SN A's statement and those of the two other individuals are persuasive that the applicant probably engaged in homosexual acts. The fact that each statement may not be an exact replica of the other does not make them inconsistent. In addition, after reviewing the CGIS summary, the Board finds the SN A's statement and those of her acquaintances are not inconsistent as each attests to having seen the applicant engage in homosexual acts.

6. The applicant's suggestion that SN A's friend and acquaintances conspired with SN A against him by writing false statements against him fails for lack of proof and is not persuasive. The mere allegation, without more, that SN A's acquaintances gave false statements to support her does not prove the existence of a conspiracy or that their statements are inaccurate.

7. The applicant argued that there was no physical evidence that he was involved in any homosexual acts since the video tapes were never produced. While the video tapes may not have been produced, the facts in this case were established by another method, i.e. witnesses' statements. SN A and two other witnesses stated that they viewed the applicant engaging in homosexual acts on video tapes. In addition, SN A and another witness stated that the applicant and SN B engaged in oral sex in the presence of each. Under Article 12.E.7.1.&2. of the Personnel Manual, a discharge due to homosexual acts may be based on statements from credible individuals that they observed or heard a service member engaging such conduct.

8. According to the Personnel Manual, credible information of homosexual acts exists if a reliable person states he or she observed or heard a service member engaging in homosexual acts or saying he or she is a homosexual or bisexual or is married to a person of the same sex. CGIS and the CO had an opportunity to interview the witnesses in this case and apparently the CO was satisfied as to witnesses' credibility. The arguments and evidence offered by the applicant are insufficient to prove that the witnesses' statements were not credible and reliable. Moreover, if the applicant believed that the statements of the witnesses were untruthful, he should have opted for the ADB hearing and the appointment of military counsel to represent him.

9. The applicant argued that it is an injustice that his DD Form 214, which must be shown to employers and institutions of higher learning, lists "homosexual acts" as the narrative reason for his discharge. However, under Article 12.E. of the Personnel Manual "homosexual acts" is a basis for discharge, and as discussed in finding 10. below "homosexual conduct" is the correct narrative reason for such a discharge. While the applicant may prefer not having "homosexual acts" or "homosexual conduct" listed as the reason for separation on his DD Form 214, he has not established that it is stigmatizing or that he has been refused employment or admissions to colleges and universities because of it.

10. The applicant failed to prove that the Coast Guard committed an error or injustice in discharging him by reason of homosexual conduct due to homosexual acts. The SPD Handbook lists only the RE-4 reenlistment code for a discharge due to homosexual acts. Moreover, an RE-1 reenlistment code, as requested by the applicant, would be inconsistent with the basis for his separation from the Coast Guard.

11. The Coast Guard has admitted that the applicant's DD Form 214 documenting his separation from the Coast Guard contains some technical errors. The Coast Guard recommended that the applicant's DD Form 214 be corrected by changing the separation authority in block 25 from COMDTINST M1000.6 Article 12-B-18 (misconduct) to COMDTINST M1000.6 Article 12.E.5. (homosexual conduct) and by changing the separation code in block 26 from JRA to HRA. The Board agrees that these technical corrections should be made to the applicant's DD 214. However, the Board notes that the separation authority in block 25 should be Article 12.E.6. as directed by LCDR H (CGPC-epm-1). In this regard, COMDTINST M1900.4D (Certificate of Release or Discharge from Active Duty Form 214 Instructions) directs that the separation authority stated in block 25 shall be as directed by MPC-SEP (now CGPC-epm).

12. The Board would further note that the narrative reason for discharge in block 28 of the DD Form 214 is technically incorrect and should be "homosexual conduct." In this regard, COMDTINST M1900.4D states that that "[o]nly the narrative reason, i.e. UNSUITABILITY, MISCONDUCT, etc. is to be entered - - do not enter additional information, i.e. 'due to frequent involvement with civil authorities, financial irresponsibility, etc.'" Therefore, in light of the instruction contained in COMDTINST M1900.4D, the Board will direct that "homosexual conduct," be listed as the narrative for separation.

13. Accordingly, the applicant's request for relief is denied. However, the technical corrections shall be made to his DD Form 214 as discussed above.

[ORDER AND SIGNATURES ON NEXT PAGE]

ORDER

The application of XXXXXXXXXXXXXXXX, USCG, for correction of his military record is denied, except that the following technical corrections shall be made to his DD Form 214:

Block 25 shall be corrected to show COMDTINST M1000.6 Article 12.E.6. as the separation authority;

Block 26 shall be corrected to show HRA as the separation code; and

Block 28 shall be corrected to show homosexual conduct as the narrative reason for separation.

The Coast Guard shall issue the applicant a new DD Form 214 containing the corrections directed by this order.

All other relief is denied.

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