



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

CRS
Docket No: 7970-13
14 May 2014

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552
(b) SECNAVINST 1910.4B
(c) UNDSECDEF Memo 20 Sep 11

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting, in effect, that his characterization of service be changed from a general discharge to honorable.

2. The Board, consisting of Messrs. Spain, Boyd, and Storz, reviewed Petitioner's allegations of error and injustice on 5 February 2014 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. Petitioner enlisted in the Marine Corps on 16 May 2005. He was not the subject of any disciplinary action. On 1 December 2006 he made a written statement in which he admitted to engaging in homosexual acts. On 8 December 2006 he received

a general discharge by reason of homosexual conduct and was assigned a reentry code of RE-1A.

c. Reference (b) sets forth the Department of the Navy's policies, standards, and procedures for administratively separating service members due to homosexuality. Reference (c) sets forth the Department of the Navy's 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 also provides service discharge review boards with the authority to grant requests to change the Narrative reason for discharge to "secretarial authority", SPD code to "JFF", to recharacterize the discharge to honorable and/or request to change the reentry code to an immediately eligible to reenter category of "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 reference (c), the Board concludes that Petitioner's request warrants favorable action in the form of relief.

The Board concludes that based upon his overall record of service and the Department of Defense's policy as established in reference (c), that relief in the form of his characterization of service be changed to "honorable" vice "general", that the narrative reason for separation be changed to "secretarial authority", and the reentry code to "RE-1J".

RECOMMENDATION:

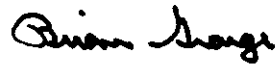
a. That Petitioner's naval record be corrected to show that the characterization of service be changed from "general" to "honorable", that the narrative reason for separation be changed to "secretarial authority", and that he was issued an "RE-1J" vice "RE-1A" reentry code on 18 December 2006.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.


4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal

Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberation, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


BRIAN J. GEORGE
Acting 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 Regulations, 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.


ROBERT D. ZSALMAN
Acting Executive Director