Mr. Aubrey Sarvis  
Executive Director  
Servicemembers Legal Defense Network  
P.O. Box 65301  
Washington, D.C. 20035-5301

Dear Mr. Sarvis:

I am responding on behalf of the Acting Under Secretary of Defense (Personnel and Readiness) to your letter of March 23, 2012, concerning the Department of the Navy policy that limits jurisdiction to change a reentry code to the Board for Correction of Naval Records (BCNR).

Under section 1553 of Title 10, U.S. Code, the Service Discharge Review Boards (DRBs) are the responsibility of the Service Secretaries. The scope of review of the Service DRBs is limited to changing the narrative reason for a Service member’s discharge, upgrading the character of a discharge, or taking both actions. The September 20th policy guidance of the Under Secretary of Defense (Personnel and Readiness) to the Service Secretaries provided that, effective upon repeal of “Don’t Ask, Don’t Tell” (DADT), the Service DRBs should normally grant requests to change the narrative reason for a Service member’s discharge, re-characterize the discharge to honorable, and change the reentry code to an immediately-eligible-to-reenter category by Service members discharged solely on the basis of DADT who had no aggravating factors, such as misconduct, in his or her record. The Department of the Navy considered the Under Secretary’s guidance and decided to continue following its implementing regulations limiting jurisdiction to change a reentry code to the BCNR.

Your letter highlights the burden of requiring Service members to apply to two boards. For this reason, and because the law permits discretion in this area, the Department is authorizing the Navy DRB to change reentry codes in cases of Service members discharged solely on the basis of DADT who had no aggravating factors.

I trust this addresses your concerns.

Sincerely,

[Signature]
Juan M. Garcia  
Assistant Secretary of the Navy  
(Manpower and Reserve Affairs)