



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

SJN  
Docket No: 04997-12  
29 August 2012

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552  
(b) 10 U.S.C. 654 (Repeal)

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record  
(4) HQMC MMEA memo dtd 11 Jun 12

1. Pursuant to the provisions of reference (a), enclosures (1) through (4) are forwarded. Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting, in effect, that he receive full or half separation pay as a result of his discharge. He also impliedly requested that his narrative reason for separation, "homosexual admission", Separation Program Designator (SPD) "GRB1" and reentry code of "RE-4" be changed.
2. The Board, consisting of Messrs. Grover, Pfeiffer, and Genteman, reviewed Petitioner's allegations of error and injustice on 28 August 2012 and, pursuant to its regulations, determined that the limited 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 Marine Corps and began a period of active duty on 6 March 2000. He served without incident for over five years until 9 November 2005, when he made a statement admitting to participating in homosexual acts with another Marine. Subsequently, he was administratively processed for separation by reason of homosexuality due to his own admission. His commanding officer forwarded his case and the separation authority directed a general discharge due to convenience of the government by reason of homosexual admission. He was so discharged on 17 July 2006. At that time he was assigned an RE-4 (not recommended for reenlistment) reentry code. On 1 November 2010, the Naval Discharge Review Board changed his characterization of service to honorable but did not change the narrative reason "homosexual admission" for his discharge.

d. Enclosure (4) is an advisory opinion from the Headquarters Marine Corps recommending partial favorable action. The memorandum recommends that Petitioner receive half separation pay and that he contact his local Recruiting Station for information regarding joining the Individual Ready Reserve.

e. Reference (b) sets forth the Department of the Navy'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 the authority to grant requests to change the narrative reason for discharge to "secretarial authority", separation program designator (SPD) code to "JFF", to re-characterize 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 (b) and enclosure (4), the Board concludes that Petitioner's request warrants limited favorable action in the form of partial relief.

The Board concludes that based upon his record of service and current Department of the Navy policy as established in reference (b), that relief in the form of his narrative reason for separation be changed to "secretarial authority", SPD be changed to "JFF1", and reentry code be changed to "RE-1J". Further, that he receive half separation pay as a result of his discharge. In view of the above, the Board directs the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that the narrative reason for separation was "secretarial authority" vice "homosexual admission", that his SPD code be changed to "JFF1" vice "GRB1", and that he was issued an "RE-1J" vice "RE-4" reentry code on 17 July 2006. Additionally, the issuance of a new Certificate of Release or Discharge from Active Duty (DD Form 214) certificate is directed.

b. That he receive half separation pay as result of his discharge.

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

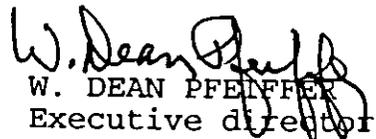
d. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 18 October 2011.

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 deliberations, 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 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.

  
W. DEAN PFEIFFER  
Executive director