



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

BC
Docket No: 00698-14
1 May 2014

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) SECNAVINST 1910.4B
(c) 10 U.S.C. 654 (Repeal)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) 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 her separation code "(HRA" (Homosexual conduct (acts)), narrative reason for separation (Homosexual Act), and RE-4 (not recommended for retention) reentry code issued on 26 March 2010, be changed.

2. The Board, consisting of Mr. Zsalman, Mr. Marquez, and Ms. White-Olson, reviewed Petitioner's allegations of error and injustice on 30 April 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 23 September 2002. She served without incident until 11 January 2010, when an investigation was conducted and photographs identified that she had engaged in a homosexual act with a fellow Marine. Subsequently, she was administratively processed for the homosexual act. Her commanding officer forwarded her case and the separation authority directed an honorable discharge. She was so discharged on 26 March 2010.

d. 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" 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. The appropriate separation code for Secretarial Authority is JFF. The correct reentry code is RE-1J.

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 her overall record of service and the Navy's policy as established in reference (c), that relief in the form of her narrative reason for separation be changed to "Secretarial Authority" vice "Homosexual Acts", that the separation code be changed to "JFF" vice "HRA", and that the reentry code be changed to "RE-1J" vice "RE-4".

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that the narrative reason for separation was "Secretarial Authority" vice "Homosexual Acts", that the separation code be changed to "JFF" vice "HRA", and that the reentry code be changed to "RE-1J" vice "RE-4", effective 26 March 2010.

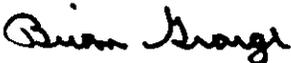
b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or

completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

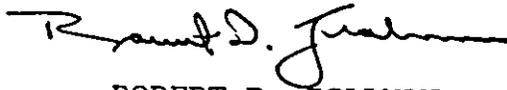
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

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.


ROBERT D. ZSALMAN
Acting Executive director