



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SJN  
Docket No: 01774-14  
1 May 2014

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

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 general characterization of service, separation program designator (SPD) "HRA1", RE-4 (not recommended for retention) reentry code, and narrative reason for separation "HOMOSEXUAL ACT" be changed per reference (b). She also impliedly requested that the separation authority "MARCORSEPMAN PAR. 6207" be changed.

2. The Board, consisting of Messrs. Zsalman and Exnicios and Ms. Montgomery, reviewed Petitioner's allegations of error and injustice on 30 April 2014 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. Petitioner enlisted in the Marine Corps and began a period of active duty on 10 September 2008. On 1 July 2009, she received nonjudicial punishment (NJP) for 29 days of unauthorized absence (UA). She received a suspended reduction in paygrade and forfeiture of pay. On 30 September 2009, she was counseled

regarding her homosexual conduct and given specific recommendations for corrective action. On 23 September 2009, it was recommended that she be processed for administrative separation for homosexual conduct and that she receive a general discharge. On 29 September 2009, administrative discharge action was initiated by reason of convenience of the government due to homosexual conduct. She submitted a statement admitting to being a homosexual, and after being afforded all of her procedural rights, her case was forwarded to the separation authority. On 16 December 2009, it was directed that she receive a general discharge. She was so discharged on 22 December 2009. At that time she was assigned an RE-4 reentry code.

c. 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 characterization of service, narrative reason for discharge to "secretarial authority", separation program designator (SPD) code to "JFF1", and 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), the Board concludes that Petitioner's request warrants partial favorable action in the form of relief.

The Board concludes that based upon her overall record of service, including her NJP for UA, 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", reentry code be changed to "RE-1J", and the separation authority to "MARCORSEPMAN". The Board is not willing to change her characterization of service given her NJP, short period of service, and in the absence of conduct marks, presumed regularity based on her official record of service. 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 ACT", that her SPD code be changed to "JFF1" vice "HRA1", she was issued an "RE-1J" vice an "RE-4" reentry

code, and separation authority be changed to "MARCORSEPMAN" vice "MARCORSEPMAN PAR 6207" on 22 December 2009. Additionally, the issuance of a new Certificate of Release or Discharge from Active Duty (DD Form 214) is directed.

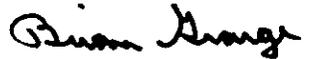
b. That no further relief be granted.

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

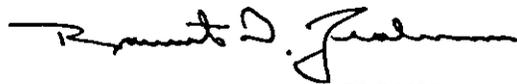
d. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 7 November 2013.

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