



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

JDR
Docket No: 4555-14
8 May 2015

From: Chairman, Board for Correction of Naval Records
To: Commandant of the Marine Corps (MMRP)

Subj: REVIEW NAVAL RECORD OF [REDACTED]
USMC, XXX-XX-[REDACTED]

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

Encl: (1) DD Form 149
(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 "under honorable conditions (general)" characterization of service, narrative reason for separation "discharge involuntarily-homosexuality-admission (administrative discharge board required but waived)," "RE-4" (not recommended for retention) reentry code, and separation program designator (SPD) "HRB1" be changed per reference (b). She also impliedly requested that the separation authority "MARCORSEPMAN, par. 8207" be changed.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 24 April 2015, and pursuant to its regulations, determined that the partial 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:

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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, began a period of active duty on 23 August 1987, and satisfactorily served without disciplinary incident for about nine months. However, on 1 June 1988, she was formally counseled and advised that she was eligible but not recommended for promotion due to her failure to maintain weight standards. On 15 December 1988, she was formally counseled and advised that future incidents involving shoplifting would result in disciplinary action. As a result of a Criminal Investigation Division (CID) Report that revealed evidence of fraternization, she was formally counseled on 29 June 1992 and advised of her conduct unbecoming a noncommissioned officer.

c. On 20 August 1992, Petitioner admitted to participating in homosexual acts and submitted a statement admitting her inclination to participate in future homosexual relationships. As a result of the foregoing admissions, administrative discharge action was initiated due to homosexual admission. At that time she waived her procedural rights and her case was forwarded, recommending she receive a general discharge. The separation authority approved and directed a general discharge due to homosexual admission and, on 11 September 1992, she was so discharged.

d. Reference (b) sets forth the Department of the Navy's current policies, standards, and procedures for correction of 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 to "honorable," narrative reason for discharge to "secretarial authority," SPD code to "JFF," 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 when there are no aggravating factors in the record, such as misconduct.

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CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of reference (b), the Board concludes that the Petitioner's request warrants partial relief.

The Board concludes that based upon her overall record of service and current Department of the Navy policy as established in reference (b), that relief in the form of her narrative reason for separation be changed to "secretarial authority," the SPD code changed to "JFF1," the reentry code changed to "RE-1J," and the separation authority changed to read "MARCORSEPMAN 6214."

The Board is not willing to change her general characterization of service. In this regard, the Board noted that she admitted to participating in homosexual acts under aggravating circumstances that have an adverse impact on morale and discipline. The Board also determined that, according to the CID report, a superior to subordinate relationship existed which is sufficient even under current standards to warrant a general discharge. In view of the foregoing, the Board directs the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that, on 11 September 1992, the narrative reason for separation was "secretarial authority," the SPD code was "JFF1," and the reentry code was "RE-1J." Additionally, that the separation authority was "MARCORSEPMAN, par. 6214" and that she be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

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 5 March 2014.

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

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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.



T. J. REED
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 J. O'NEILL
Executive director