



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

BJG  
Docket No.: 5258-14  
19 September 2014

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 dtd 7 Mar 14 with attachments  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting, in effect, that his separation authority of "Marine Corps Separation Manual (MARCORSEPMAN) par[agraph] 6207.3b(2)" (homosexual admission), separation code of "HRA1" (homosexual admission), reenlistment code of RE-4 (not recommended for retention), and narrative reason for separation "dis[charge] invol[untary] - homosexuality admission" be changed.

2. The Board, consisting of Messrs. Boyd and Tew and Ms. Henkel, reviewed Petitioner's allegations of error and injustice on 17 September 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. 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 7 August 1985. He was not the subject of any disciplinary action. He was arrested by civil authorities for participating in mutual masturbation and oral copulation with another male civilian in a vehicle. Subsequently, he was administratively processed for separation due to his arrest and admission of participating in homosexual acts. His commanding officer forwarded his case and the separation authority directed an honorable discharge due to homosexual admission. He was so discharged on 13 February 1987.

d. Reference (b) sets forth the Department of the Navy's policies, standards, and procedures for administratively separating enlisted 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.

#### 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 his overall record of service and the Navy's policy as established in reference (c), that relief is appropriate by changing his separation authority to "MARCORSEPMAN", his separation code to "JFF" (secretarial authority), his reenlistment code to "RE-1J" (secretarial authority), and his narrative reason for separation to "secretarial authority". In view of the above, the Board directs the following corrective action.

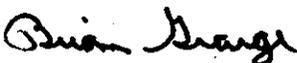
#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that his separation authority was "MARCORSEPMAN", his separation code was "JFF", his reenlistment code was "RE-1J", and his narrative

reason for separation was "secretarial authority". This is to be accomplished by issuing a new Certificate of Release or Discharge from Active Duty (DD Form 214).

b. That, upon request, the Department of Veterans Affairs be informed that Petitioner applied to this Board on 7 March 2014.

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.

  
BRIAN J. GEORGE  
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