



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

[REDACTED]
Docket No: 2276-16

JUL 7 - 2016

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

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

Ref: (a) 10 U.S.C. 1552
(b) 10 U.S.C. 654 (Repeal)
(c) UNSECDEF memo of 20 Sep 11 (Correction of Military Records Following Repeal of 10 U.S.C. 654)

Encl: (1) DD Form 149
(2) Case summary
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that the narrative reason for separation "Dis invol-homosexuality-act (admin discharge board required but waived)" be changed per reference (b). He impliedly requested that the Separation Program Designator (SPD) "HRA1" and the separation authority "Par 6207.3b(1) MARCORSEPMAN Title 10, U.S. Code, Section 1551" be changed.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 May 2016, 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 17 October 1961. On 17 March 1964, as the result of being implicated in homosexual activity, he made a statement admitting to participation in homosexual acts. Consequently, he received an Undesirable discharge on 28 May 1964.

d. On 18 January 1983, the BCNR determined that Petitioner's discharge warranted recharacterization to Honorable. On 16 March 1983, he was issued a Correction to DD Form 214, Certificate of Release or Discharge From Active Duty (DD Form 215), changing his characterization of service to Honorable.

e. Reference (c) sets forth the Department of the Defense'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 guidance to grant requests to change the narrative reason for discharge to "secretarial authority," SPD code to "JFF," re-characterize the discharge to honorable, and reenlistment code to "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 references (b) and (c), the Board concludes that the Petitioner's request warrants favorable action in the form of relief. In this regard, his SPD code shall be changed to "JFF," assignment of reenry code of "RE-1J," and the narrative reason for separation changed to "secretarial authority." Additionally, the separation authority shall be changed to read "MARCORSEPMAN 6214." In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that, on 28 May 1964, the narrative reason for separation was "secretarial authority," that he was assigned SPD code "JFF," and "RE-1J" reenry code. Additionally, that the separation authority was "MARCORSEPMAN 6214."

b. That he be issued a new Certificate of Release or Discharge From Active Duty (DD Form 214).

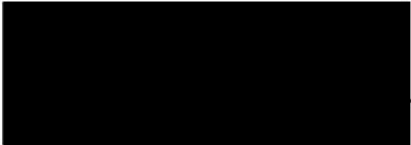
c. That a copy of this report of proceedings be filed in Petitioner's naval record.

d. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 16 March 2016.

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.


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.


Executive Director