



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

[REDACTED]
Docket No: 3041-16

JUN 27 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 20Sep11 (Correction of Military Records Following Repeal of
10 U.S.C. 654)

Encl: (1) DD Form 149 with attachments
(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, in effect, that her narrative reason for separation "Homosexual Admission" be changed to "Secretarial Authority", that her Separation Program Designator (SPD) and RE-4 (not recommended for retention) reentry code be changed.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 4 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 13 October 2009. She was not the subject of any disciplinary action during her enlistment. She made a written statement admitting to homosexual acts in the past and that she could not comply with Marine Corps policy on homosexual conduct. Subsequently, she was administratively

processed for separation by reason of homosexual admission. Her commanding officer forwarded the case and the separation authority directed an entry level discharge due to homosexual admission. Applicable regulations authorize an uncharacterized entry level separation if the processing of an individual's separation begins within 180 days of the entry on active duty. She was so discharged on 12 January 2010.

d. Reference (c) 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 guidance to grant requests to change the narrative reason for discharge to "Secretarial Authority," SPD code to "JFF-1," to re-characterize the discharge to honorable, and to change 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 references (b) and (c), the Board concludes that Petitioner's request warrants favorable action in the form of relief by changing the narrative reason for separation to "Secretarial Authority", the SPD to "JFF-1," and reentry code to "RE-1J." In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show her narrative reason for separation was "Secretarial Authority," she was issued the SPD code "JFF-1," and she was issued an "RE-1J" reentry code on 12 January 2010. Additionally, that she shall be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

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

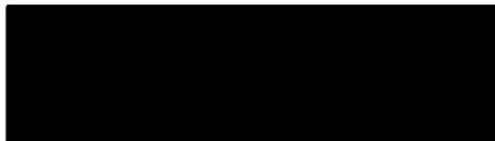
c. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 4 April 2016.

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