



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

█  
Docket No: 5766-21  
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER █, USMC,  
XXX-XX-█

Ref: (a) 10 U.S.C. 1552  
(b) 10 U.S.C. 654 (Repeal)  
(c) UNSECDEF Memo OF 20 Sep 11 (Correction of Military Record following Repeal of 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), 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 characterization of service "General under Honorable Conditions" be changed per reference (b) and his Separation Date (Item 12B) be changed to reflect two years of service. He also implied and requested that his narrative reason for separation "Homosexual Conduct," "RE-4" (not recommended for retention) reenlistment code, and Separation (SPC) code "HRA1" be changed per reference (b). Additionally, that the separation authority "MARCORSEPMAN 6207," be changed. Enclosures (1) through (3) apply.

2. The Board consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 10 November 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, 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.

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c. Petitioner enlisted in the Marine Corps on 29 May 1996. According to the information in the record. On 9 July 1997, he received a non-judicial punishment (NJP) for disobeying a lawful order and underage drinking. Although the Board lacked Petitioner's entire service record, the Board relied on a presumption of regularity that he was notified of the recommendation that he be discharged by reason of homosexual conduct. After being afforded all of his rights, it was directed that he receive a general under honorable conditions characterization of service by reason of homosexual conduct. On 21 November 1997, he was so discharged. As stated previously, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to rebut the presumption, to include evidence submitted by the Petitioner, the Board presume that he was properly discharged from the Marine Corps.

d. Petitioner requests upgrade to the characterization of his discharge to honorable, citing current policy and to change his Separation Date (Item 12B) to reflect two years of service.

e. 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 the guidance to grant requests to change the characterization of service to "honorable," narrative reason for separation to "secretarial authority," SPD code to "JFF," and reenry 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 reference (b) and (c), the Board concludes that Petitioner's request warrants partial relief. In this regard, the Board noted Petitioner's overall record of military service and current Department of the Navy policy as established in reference (b) and (c), that relief in the form of her characterization of service be change to read "Honorable," narrative reason for separation be changed to read "Secretarial Authority," reenlistment code to "RE-1J," and SPD code to "JFF1." Additionally, change his separation authority to read "MARCORSPMAN 6214." The Board also concluded that Petitioner request to change his Separation Date (Item 12B) to reflect two years of service is denied due to Petitioner serving a total of one year, 11 months, and 23 days on active duty.

In view of the foregoing, the Board directs the following corrective action.

#### RECOMMENDATION:

That Petitioner's record be corrected to show that on 21 November 1997, his characterization of service was "Honorable," narrative reason for separation was "Secretarial Authority," reenlistment code was "RE-1J," SPD code was "JFF1," and his separation authority was "MARCORSPMAN 6214."

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

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That no further changes be made to the record.

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

4. 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.

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.

Sincerely,

11/20/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]