



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

█
Docket No: 6711-21
Ref: Signature date

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

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

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 with attachments
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her characterization of service be upgraded to honorable.
2. The Board consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 6 December 2021 and, pursuant to its regulations, determined 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 review the application on its merits.
 - c. Petitioner enlisted in the U.S. Marine Corps and began active duty on 23 February 2005. On 20 August 2005, she was joined for duty with Headquarters Battalion, █, █.
 - d. Although Petitioner's complete administrative separation documentation was not contained in her official military personnel file, on 23 January 2006, the Commanding General,

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[REDACTED] directed her discharge by reason of homosexual conduct with a general (under honorable conditions) characterization of service.

e. On 31 January 2006, Petitioner received permanent change of station orders to [REDACTED] for discharge.

f. On 3 February 2006, Petitioner received nonjudicial punishment for being disrespectful in language.

g. On 14 February 2006, Petitioner was discharged. At the time of her discharge she was issued a Certificate of Release or Discharge from Active Duty (DD Form 214), that indicated a general (under honorable conditions) characterization of service, homosexual admission narrative reason for separation, HRB1 separation code, RE-4 reenlistment code, and MARCORSEPMAN PAR 6207 separation authority.

h. Petitioner's final conduct average in service was 4.3. A 4.0 conduct average was required for an honorable characterization of service.

i. 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 characterization of service to "honorable," narrative reason for discharge to "secretarial authority," SPD code to "JFF," 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 Petitioner's request warrants relief. The Board noted Petitioner's record supports that she was solely discharged on the basis of her sexuality. Additionally, the Board noted Petitioner's conduct average met the threshold for an honorable characterization of service.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action:

Petitioner be issued a new DD Form 214 indicating that indicated an honorable characterization of service, secretarial authority narrative reason for separation, JFF1 separation code, RE-1J reenlistment code, and MARCORSEPMAN PAR 6214 separation authority.

Petitioner be issued an honorable discharge certificate.

No further changes be made to Petitioner's record.

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

5. 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.

6. 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 Regulations, 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.

12/23/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]