



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

[REDACTED]
Docket No: 3514-22
Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
[REDACTED] XXX XX [REDACTED] USMC

Ref: (a) 10 U.S.C. §1552
(b) 10 U.S.C. 654 (Repeal)
(c) UNSECDEF Memo of 20 Sep 11 (Corr of Mil Recs following Repeal of U.S.C. 654)

Encl: (1) DD Form 149 w/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 his naval record be corrected by upgrading his discharge characterization from General (Under Honorable Conditions) to Honorable. Enclosure (2) applies.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 29 August 2022 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, and references (b) through (c).

3. The Board, having reviewed all the facts of record pertaining to the subject former member's allegations of error and injustice, finds as follows:

a. Before applying to this Board, the Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. The Petitioner enlisted in the Marine Corps and began a period of active duty on 24 September 2001. On 16 September 2001, Petitioner made an admission that he was bisexual and had the propensity of engaging in homosexual acts. On 16 October 2002, Petitioner was notified of the initiation of administrative separation proceedings by reason of homosexual admission, at which point, he elected to waive all his procedural rights. On the same date, the Petitioner's CO recommended an Honorable discharge characterization of service by reason of homosexual admission. On 18 November 2002, the discharge authority approved and ordered that Petitioner be administratively separated from the Marine Corps with a General (Under Honorable

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Conditions) discharge characterization by reason of homosexual admission. On 25 November 2002, Petitioner was discharged.

c. References (f) and (g) set 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 discharge to "secretarial authority," SPD code to "JFF," and reentry 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.

d. Petitioner contends that he came from a family of military service members and amazing nurses. He joined the Marine Corps at age 17 pending his desire to help other people. Petitioner was so silent about his pain attributed to the way the DADT policy was hurting him and others. He states the morale of several individuals was low as a result of the degradation caused by the law. Petitioner claims the rights of those who served was taken away and he witnessed others being hazed because they were gay. Petitioner brought his concerns to his chain of command and a JAG representative, and was told that there was nothing they could do for him.

CONCLUSION

Upon review and consideration of all the evidence of record, and in view of references (b) through (c), the Board concludes that Petitioner's request warrants relief. In this regard, the Board noted Petitioner's overall record of military service and current Department of the Navy policy. In making their finding, the Board noted Petitioner's record contained no aggravating factors and he was discharged solely for his homosexuality.

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

RECOMMENDATION

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting his character of service as "Honorable," narrative reason for separation as "Secretarial Authority," his separation code as "JFF1", and his separation authority as "MARCORSEPMAN 6214," and his reentry code as "RE-1J."

That no further changes be made to Petitioner's record.

A copy of this report of proceedings shall 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 Regulations Section 723.6(e)), and

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having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

9/13/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]