



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

[REDACTED]
Docket No: 3814-22
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]
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 (Correction of Military Record following Repeal of U.S.C. 654)

Encl: (1) DD Form 149
(2) Naval record (excerpts)

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 to change his narrative reason for separation, SPD code, reentry code, and the separation authority listed on his discharge documents in accordance with reference (b) and (c). Enclosure (2) applies.

2. The Board consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 27 June 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, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

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 Marine Corps and began a period of active service on 24 March 1987.

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d. On 27 July 1987, Petitioner was diagnosed by a medical officer with being a homosexual due to self-admission. On 5 October 1987, an NIS investigation determined that Petitioner participated in several homosexual acts prior and while on active duty. On 29 October 1987, Petitioner submitted a sworn statement admitting to a homosexual life style. On the same date, Petitioner was notified of the initiation of administrative separation proceedings by reason of homosexuality, at which point, he elected to waive all his procedural rights.

e. On 30 October 1987, the Petitioner's commanding officer recommended that he be administratively separated from the Marine Corps by reason of homosexuality. On 25 November 1987, the Petitioner's administrative discharge proceedings were determined to be sufficient in law and fact. On 30 November 1987, the discharge authority approved and ordered that Petitioner be administratively separated from the Marine Corps with a General (Under Honorable Conditions) discharge characterization of service by reason of homosexuality. On 10 December 1987, Petitioner was discharged.

f. References (b) and (c) 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 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.

g. Petitioner contends he served during the DADT era. Therefore, he is requesting that his narrative reason for separation be change on his Certificate of Release or Discharge from Active Duty (DD Form 214).

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 relief. In this regard, the Board noted Petitioner's overall record of military service and current Department of the Navy policy. The Board found no aggravating factors in Petitioner's record and concluded that administrative separation processing was based solely on his admission of committing homosexual acts. As a result, despite the fact Petitioner's petition only requested a change to his narrative reason for separation, the Board found that the interests of justice warrant an upgrade to his characterization of service as well.

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

RECOMMENDATION:

That Petitioner's be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating "Honorable" as characterization of service, "Secretarial Authority" as narrative reason for separation, "RE-1J" as reenlistment code, "JFF" as separation code, and "MARCORSEP 6214" as separation authority.

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Further, Petitioner be issued an Honorable discharge certificate.

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.

7/8/2022

[REDACTED]
Executive Director

Signed by: [REDACTED]