



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

█
Docket No. 4409-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █
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 naval record be corrected by changing her narrative reason for separation and separation code on her Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 23 January 2023 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 Marine Corps and began a period of active duty on 8 May 1984. On 17 October 1986, Petitioner received nonjudicial punishment (NJP) for two periods of unauthorized absence. On 31 March 1987, an informal inquiry officer confirmed that there is sufficient evidence that Petitioner engaged in homosexual acts as indicated in an NIS report and other reliable sources. On 1 April 1987, Petitioner was notified of the initiation of administrative

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

separation proceedings by reason of homosexuality. On 3 April 1987, Petitioner decided to waive her procedural rights. On the same date, the Petitioner's commanding officer recommended that she be administratively separated from the Marine Corps with an Honorable discharge characterization of service by reason of homosexuality. Subsequently, the separation authority approved and ordered that Petitioner be administratively separated from the Marine Corps with an Honorable discharge characterization by reason of homosexuality. On 30 April 1987, Petitioner was discharged.

d. Petitioner's contends she served honorably for nearly three years before receiving a discriminatory involuntary separation for homosexuality. This narrative reason on her DD214, and the impact of her early separation, caused her significant hardship and shame. The circumstances leading to the Petitioner's discriminatory discharge were heartbreaking. Approximately two years into Petitioner's service, in the summer of 1986, her friend and roommate completed suicide by hanging herself in the bathroom of the apartment they shared. Petitioner was questioned by authorities regarding whether she was somehow to blame for her roommate's suicide, and she was ostracized by peers when rumors spread that the two women were romantically involved. Petitioner's name was cleared in her roommate's death, but the damage was done, and Petitioner was labeled as homosexual.

f. 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) through (c), the Board concludes Petitioner's request warrants relief. While the Board noted her misconduct, they concluded Petitioner's record supports that she was solely discharged on the basis of her homosexual conduct. Therefore, the Board determined Petitioner is entitled to full relief under reference (c).

RECOMMENDATION:

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

That Petitioner be issued a new DD Form 214 indicating her narrative reason for separation as "Secretary of the Navy Plenary Authority," separation authority as "MARCORSEPMAN Par. 6214", separation code as "JFF1", and reentry code as "RE-1J".

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

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

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

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.

2/6/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]