



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

█
Docket No: 5209-22
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)
(d) USECDEF Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

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 upgrading her characterization of service and changing her narrative reason for separation 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 25 July 2022 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, to include the references (b)-(d).

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.

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c. Petitioner enlisted in the U.S. Marine Corps and entered active duty in October 1980. On 16 September 1982, Petitioner received nonjudicial punishment for violating a lawful order by wearing a gold necklace in view while in uniform, failing to remove said necklace, and for being disrespectful in language. On 25 April 1983, Petitioner submitted a statement to a special agent of Naval Investigative Service admitting to participating in homosexual acts. Based on her admission, Petitioner was processed for administrative separation by reason of homosexuality.

d. Unfortunately, some documents related to Petitioner's administrative separation are not in her official military personnel file (OMPF). In this regard, the Board relies on a presumption of regularity to support the official actions of public officials and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties.

e. On 14 June 1983, the discharge authority directed Petitioner be separated with a General (Under Honorable Conditions) (GEN) characterization of service by reason of homosexuality due to homosexual acts. As a result, on 26 August 1983, Petitioner was so discharged.

f. Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that she was separated from the Navy on 26 August 1983, with a GEN characterization of service, her narrative reason for separation is "Dis invol homosexuality – Act," her separation code is "GRA1," and her reenlistment code is "RE-4."

g. 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 (d), the Board concludes Petitioner's request warrants relief. The Board noted Petitioner's record supports that she was solely discharged on the basis of homosexuality with no aggravating factors. Additionally, the Board noted Petitioner's proficiency and conduct averages were 4.6 and 4.5, both well above the required 4.0 conduct marks and 3.0 proficiency marks to be considered for an Honorable characterization of service. Accordingly, the Board determined Petitioner's characterization of service merits an upgrade along with associated changes to her narrative reason for separation, separation code, and reentry code to reflect a "Secretarial Authority" discharge.

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RECOMMENDATION:

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

Petitioner be issued a new DD Form 214 and new discharge certificate indicating an “Honorable” characterization of service with a narrative reason for separation as “Secretarial Authority,” separation authority as “MARCORSEPMAN par 6214”, separation code as “JFF1”, and reentry code as “RE-1J”.

No further changes be made to Petitioner’s record.

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.

8/10/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]