



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

██████████
Docket No: 5210-22

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
██████████ 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 her naval record be corrected to upgrade her character of service, change the narrative reason for separation in accordance with reference (b) and (c). Enclosure (2) applies.

2. The Board, consisting of ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 23 September 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

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[REDACTED] USMC

17 November 1981. Petitioner was subject to a Naval Criminal Investigative Service (NCIS) investigation due to suspicion that Petitioner was in a homosexual relationship. Evidence in the investigation incriminated Petitioner in homosexual activities.

d. On 13 May 1982, Petitioner was notified of the initiation of administrative separation proceedings by reason of homosexuality. Petitioner elected her right to consult with counsel, and waived her right to a hearing before an administrative discharge board (ADB). Petitioner underwent a psychiatric evaluation, on 20 May 1982, in which she denied being a homosexual. Subsequently, Petitioner's commanding officer recommended her separation with a General (Under Honorable Conditions) (GEN) character of service by reason of homosexuality. On 9 June 1982, Petitioner's administrative separation proceeding's were determined to be sufficient in law and fact. On 18 June 1982, Petitioner was discharged with a GEN character of service by reason of homosexual acts. She was issued a RE-4 reentry code and a SPD code of HRA1.

e. 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 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.

f. Petitioner contends whether she was a homosexual had no bearing on if she was a good Marine.

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. The Board determined Petitioner was discharged solely based on her suspected sexual orientation and found no aggravating factors in her record. Therefore, the Board concluded Petitioner's characterization of service should be upgraded and changes made to her record to reflect a Secretarial Authority discharge.

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

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating an "Honorable" character of service, "Secretarial Authority" narrative reason for separation, "RE-1J" reenlistment code, "JFF1" separation code, and "MARCORSEP 6214" separation authority.

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

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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.

10/12/2022

[REDACTED]

Executive Director

[REDACTED]