



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

██████████
Docket No: 6517-22
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) Title 10 U.S.C. §1552
(b) 10 U.S.C. 654 (Repeal)
(c) USECDEF Memo of 20 Sep 11 (Correction of Military Record following Repeal
of U.S.C. 654)
(d) USECDEF Memo of 25 Jul 18 (Wilkie Memo)

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 record be corrected to upgrade his character of service to honorable. Enclosures (1) and (2) apply.

2. The Board consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 16 November 2022 and, pursuant to its regulations, determined that the partial 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, applicable statutes, regulations, and policies, to include references (b) through (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.

c. Petitioner enlisted in the Marine Corps and began a period of active service on 15 February 1994.

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XXX-XX-[REDACTED], USMC

d. On 22 May 1994, Petitioner volunteered information to a Chaplain in regards to his sexuality. On 11 July 1994, Petitioner was notified of the initiation of administrative separation proceedings by reason of homosexuality and recommended for an uncharacterized characterization of service. Petitioner elected his right to consult with counsel and waived a hearing before an administrative discharge board.

e. On 4 August 1994, the discharge authority directed Petitioner's discharge and on 9 August 1994, Petitioner was discharged with an uncharacterized character of service, homosexuality - act narrative reason for separation, RE-4 reentry code, HRA1 separation code, and MARCORSEPMAN PAR 6207.3b separation authority.

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 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.

g. Petitioner contends the DADT policy was lifted, and he has been a productive member of society since his discharge, which includes attaining a Bachelor of Science, and a Master of Science.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partial relief.

The Board noted that applicable regulations authorizes an uncharacterized separation if a service member has 180 days or less of active service at the time of the notification of separation. Petitioner had less than five months of active service at the time he was notified of his separation processing, therefore an uncharacterized characterization of service is warranted.

However, in light of references (b) and (c), the Board further concludes that a portion of Petitioner's request warrants relief, specifically a change to the narrative reason for separation and conforming changes. This change is made in the interest of justice to prevent any invasive questions regarding Petitioner's sexuality.

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

RECOMMENDATION:

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) indicating Determination of Service Secretary – Secretary of the Navy Plenary Authority narrative reason for separation, RE-1J reenlistment code, JFF1 separation code, and MARCORSEPMAN par. 6214 separation authority.

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

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.

12/14/2022

Signed by: [REDACTED]