



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

██████████  
Docket No. 9219-22  
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER ██████████  
██████████

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 with attachments  
(2) Case summary  
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that her record be changed in accordance with reference (c). Enclosures (1) through (3) apply.

2. The Board, consisting of ██████████ reviewed Petitioner's allegations of error and injustice on 17 April 2023 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, applicable statutes, regulations, and policies to include the references.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Petitioner enlisted in the Marine Corps and entered active duty on 23 August 1965. In 1967, Naval Investigative Services (NIS) initiated an investigation into allegations that Petitioner precipitated in homosexual activities while serving on active duty in the Marine Corps.

b. On 8 June 1967, NIS conducted interviews with three female Marines who wrote sworn statements admitting to engaging in homosexual acts with Petitioner or having knowledge of Petitioner participating in homosexual acts while on active duty in the Marine Corps. On 24 June 1967, Petitioner declined to make a statement to NIS regarding her involvement in homosexual

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[REDACTED]

acts. On 4 August 1967, Petitioner received non-judicial punishment (NJP) for unauthorized absence (UA) of one day and failure to go to appointed place of duty at timed prescribed. Subsequently, Petitioner was notified of pending administrative separation action by reason of unfitness due to homosexuality. After waiving her procedural rights, Petitioner's commanding officer (CO) forwarded her package to the separation authority (SA), recommending her discharge by reason of unfitness due to homosexuality. On 26 September 1967, Petitioner received an additional NJP for disobeying a lawful order. On 11 October 1967, the SA approved the CO's recommendation and directed an Other Than Honorable (OTH) characterization of service. On 9 November 1967, Petitioner was discharged with an OTH characterization of service by reason of unfitness due to her homosexuality.

c. Petitioner contends that her discharge was based solely on her sexual preference.

d. Reference (c) sets 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 separation to "Secretarial Authority," SPD code to "JFF1," 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.

## CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of reference (b) and (c), the Board concludes that Petitioner's request warrants relief. In this regard, the Board noted that Petitioner was separated based solely on her homosexuality. Therefore, while the Board noted the other minor misconduct in Petitioner record, they concluded she was entitled to full relief under reference (c).

## RECOMMENDATION

In view of the foregoing, the Board directs the following partial corrective action:

That Petitioner's record be corrected to show that, on 9 November 1967, her characterization of service was "Honorable," narrative reason for separation and code was "Convenience of the Government (other good and sufficient reason as determined by the Commandant of the Marine Corps or the Secretary of the Navy Secretarial Authority - 21L," reenlistment code was "RE-1", and separation authority was "Paragraph 1321.1f, Marine Corps Personnel Manual."

That Petitioner be issued a new DD Form 214 and a discharge certificate.

That no further changes be made to the 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.

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[REDACTED]

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.

4/27/2023

