



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

█
Docket No. 3084-23
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 her record be corrected consistent with references (b) and (c).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error on 1 December 2023, and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval service records, applicable statutes, regulations, and policies to include references (b) and (c).

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, the statute of limitation was waived in accordance with reference (f).

c. Petitioner enlisted in the U.S. Marine Corps and began a period of active duty on 23 April 1985. On 8 August 1987, she was found in bed in a barracks room with another female Marine. On 3 September 1987, she was notified of administrative separation processing for homosexuality. On 4 September 1987, she made her rights election, waving her right to an administrative separation board. On 8 September 1987, her command legal officer recommended to her Commanding Officer (CO) that she receive an Honorable (HON)

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characterization of service based on her performance record. Her average performance and conduct marks far exceeded those required for an HON discharge. However, she was discharged with a General (Under Honorable Conditions) (GEN) for homosexuality on 4 October 1987.

d. Petitioner contends she was sexually harassed by a Marine Corps Sergeant, and upon reporting the harassment, was put under investigation herself. She said the investigation found nothing on her, but her CO did not care, and wanted her out of the Marine Corps.

e. 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 normally grant requests to change the characterization of service to "Honorable," narrative reason for discharge to "Secretarial Authority," separation 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.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants relief. The Board reviewed the application under the guidance provided in references (b) and (c).

The Board noted Petitioner was discharged based solely on homosexuality, and found no evidence of aggravating factors in her record that would impact their decision. Therefore, the Board found that it was in the interests of justice to upgrade her characterization of service to Honorable and change her narrative reason for separation, separation code, separation authority, and reentry code consistent with the guidance provided in reference (c).

While the Board noted the Petitioner's claim of sexual harassment, they determined relief was warranted under reference (c) and made no findings regarding this claim.

RECOMMENDATION:

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

That Petitioner be issued a new DD Form 214, indicating that she was discharged on 4 October 1987 with a characterization of service of "Honorable," separation code of "JFF2," narrative reason of "Directed by the Secretary of the Navy to correct official records," separation authority of "Paragraph 6012.1g, Marine Corps Separation Manual," and reentry code of "RE-1J."

Petitioner be issued an Honorable discharge certificate.

No further changes be made to Petitioner's record.

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.

12/21/2023

[REDACTED]
Executive Director

Signed by: [REDACTED]