



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

█
Docket No. 9562-23
Ref: Signature date

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

Subj: REVIEW 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 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, in effect, that her record be changed per reference (c). Enclosures (1) through (3) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 10 January 2024 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. 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 waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps and commenced active duty on 15 February 1965. On 13 December 1966, she received non-judicial punishment (NJP) for unauthorized absence (UA) totaling one day. On 22 February 1967, she made a written statement admitting to her involvement in homosexual acts while on active duty. Subsequently, she was notified of pending administrative separation action by reason of misconduct due to homosexual acts. After waiving her procedural

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER [REDACTED]

[REDACTED] USMC

rights, Petitioner's commanding officer (CO) forwarded her package to the separation authority (SA), recommending her discharge by reason of homosexual acts with an Other Than Honorable (OTH) characterization of service. On 24 March 1967, Petitioner was discharged with an OTH characterization of service by reason of homosexual acts.

d. Post-discharge, Petitioner applied to the Naval Discharge Review Board (NDRB) for a discharge upgrade. On 17 October 1972, the NDRB denied Petitioner's request after determining that her discharge was proper as issued.

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 grant requests to change the characterization of service to "Honorable," narrative reason for discharge 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 references (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 homosexual admission. Further, while the Board noted Petitioner's NJP for a period of UA, they determined this misconduct was minor in nature and did not amount to an aggravating factor. Therefore, the Board concluded she was entitled to full relief under reference (c).

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

RECOMMENDATION:

That Petitioner's record be corrected to show that, on 24 March 1967, her characterization of service was "Honorable," her narrative reason for separation was "Secretarial Authority," reenlistment code was "RE-1J," SPD code was "JFF1," and her separation authority was "MARCORPERSMAN 13261.1f."

That Petitioner be issued a new DD Form 214 and 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.

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]
[REDACTED] USMC

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.

1/24/2024

