



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

[REDACTED]  
Docket No: 1192-16

APR 25 2016

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

Subj: REVIEW NAVAL RECORD OF [REDACTED] USMC,  
XXX-XX-[REDACTED]

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  
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting, in effect, that her "general under honorable conditions discharge" be changed to "honorable," narrative reason for separation be changed to "secretarial authority," and her "RE-4" (not recommended for retention) reentry code be changed to "RE-1" per reference (b). She also impliedly requested that her Separation Program Designator (SPD) "HRB1" and separation authority "MARCORSEPMAN par 6207" be changed per reference (b). Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 March 2016 and, pursuant to its regulations, determined that the partial corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

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. The Board noted that the available records were incomplete and they did not have access to all of the administrative separations paperwork. Of the available records, the Board found that the Petitioner enlisted in the Marine Corps and began a period of active duty on 26 March 1985. Petitioner served without disciplinary incident until 24 November 1986, when she received non-judicial punishment (NJP) for writing checks with insufficient funds available. On 4 February 1987, she received a second NJP for theft and was reduced to the rank of E-2. The Board was unable to obtain the Petitioner's separations documents, but noted that she was not recommended for retention on 24 March 1987 and her DD-214 listed in service homosexuality as the reason for separation. On 31 March 1987, she received a general discharge.

d. Petitioner's DD-214 lists "PFC" in block 4a (grade, rate, or rank) and "E-1" in block 4b (pay grade). A review of the available records revealed that she was only reduced in rank once to the pay grade of E-2/PFC.

e. Reference (c) sets forth the Department of the Defense'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 Discharge Review Boards with the guidance to grant requests to change the narrative reason for discharge to "secretarial authority," SPD code to "JFF1," re-characterize the discharge to honorable, and reenlistment 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 favorable action in the form of partial relief.

The Board concludes that based upon the evidence of record, and especially in light of references (b) and (c), that partial relief in the form of her narrative reason for separation be changed to "secretarial authority," SPD code be changed to "JFF1," separation authority be changed to read "MARCORSEPMAN par 6214," and block 4b (pay grade) of her DD-214 be changed to E-2. In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 31 March 1987, the separation authority was "MARCORSEPMAN par 6214," that the narrative reason for separation was "secretarial authority," SPD code be changed to "JFF1," and pay grade changed to "E-2." It is also directed that she be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

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

c. That no further relief be granted.

d. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 12 February 2016.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.

  
Recorder

  
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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.

  
Executive director