



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

██████████
Docket No. 9188-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████, XXX XX ██████████ USMC

Ref: (a) 10 U.S.C. § 1552
(b) 10 U.S.C. 654 (Repeal)
(c) UNSECDEF Memo of 20 Sep 11 (Repeal of 10 U.S.C. 654)

Encl: (1) DD Form 149 w/ enclosures

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 consistent with references (b) and (c). Enclosure (1) applies.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 8 April 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 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, 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 duty on 29 July 1987. On 28 November 1989, a CID Report revealed that Petitioner participated in homosexual acts – oral sodomy; at which point, he denied complicity in this incident. On 30 November 1989, Petitioner was notified of the initiation of administrative separation proceedings by reason of homosexuality due to homosexual acts and decided to waive his procedural rights. Petitioner's commanding officer recommended a General (Under Honorable Conditions) discharge characterization of service by reason of homosexuality due to homosexual acts. Petitioner's

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administrative separation proceedings were determined to be sufficient in law and fact. Subsequently, the separation authority approved and ordered a General (Under Honorable Conditions) discharge characterization by reason of homosexuality. On 6 December 1989, Petitioner was so discharged.

d. Petitioner contends he served, and he was proud to be a Marine. However, it has been embarrassing to talk about the circumstances leading to his discharge. Petitioner claims he is the father of four sons and a daughter who is adopted. Petitioner also states he is also a devoted husband of 33 years, and a Pastor serving his community for over 15 years. Petitioner claims his reason for separation have created a stigma attached to his name and legacy that he cannot even discuss or explain to his family and friends. Petitioner stated he needs this situation to be corrected in order to gain back his dignity. Petitioner asserts he was young and did not know the proper way to manage this matter through the shame he felt.

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," the separation code to "JFF1," and the 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, and especially in light of references (b) through (c), the Board concludes Petitioner's request warrants relief. In the making of this finding, the Board noted Petitioner's record supports that he was solely discharged on the basis of his homosexual conduct. Therefore, the Board determined Petitioner is entitled to full relief under reference (c).

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner be issued a new DD Form 214, for the period ending 6 December 1989, indicating his characterization of service is "Honorable," with a narrative reason for separation of "Secretarial Authority," separation authority of "MARCORPSEPMAN 6214," separation code of "JFF1," and a reentry code of "RE-1J."

Petitioner be issued an Honorable discharge certificate.

That 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.

4/23/2024

