



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

█
Docket No. 9932-23
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 19 January 2024, 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 Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits.

c. Petitioner enlisted in the U.S. Marine Corps and began a period of active duty on 17 May 1983. On 6 September 1983, she was disenrolled from training by her commanding officer (CO). Thereafter, on 17 October 1983, she was notified of administration separation by reason of fraudulent entry based on a sworn statement she made admitting to preservice and current homosexual activities. She waived her right to consult with counsel and request an administrative discharge board. On 20 October 1983, her CO recommended she be discharged

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under conditions Other Than Honorable (OTH) due to fraudulent entry. She was so discharged on 21 October 1983.

d. Petitioner contends she was discharged for being homosexual under the provision of fraudulent enlistment. In support of her application, she provided copies of her Bachelor of Art Degree in Music, as Associate of Arts Degree, six certificates of achievement/awards she has earned, and advocacy letter from an employer, correspondence with the National Personnel Records Center, and her DD Form 214.

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).

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 21 October 1983 with a characterization of service of "Honorable," a separation code of "JFF2," a narrative reason of "Directed by the Secretary of the Navy to correct official records," a separation authority of "Paragraph 6012.1g, Marine Corps Separation Manual," and a 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.

2/12/2024

[REDACTED]