



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

██████████
Docket No. 791-24
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)
(d) USECDEF Memo, 25 Jul 18 (Wilkie Memo)

Encl: (1) DD Form 149

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 characterization of service be upgraded.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 15 May 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 record, and applicable statutes, regulations, and policies, to include references (b) through (d).

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error or 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 the interests of justice.

c. Petitioner enlisted in the U.S. Marine Corps and began a period of active duty on 30 October 1958. He subsequently completed this enlistment with an Honorable characterization of service, on 7 December 1961, and immediately reenlisted.

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d. Petitioner deployed on 12 February 1965, in support of [REDACTED],
[REDACTED] of [REDACTED].

e. On 26 September 1965, made an admission of homosexual activities as part of an investigation.

f. On 4 October 1965, he submitted a request for an undesirable discharge for the good of the service and to escape trial by court-martial for violation of Article 125, sodomy. Ultimately, Petitioner was discharged with an Other Than Honorable characterization of service, on 29 December 1965, due to homosexuality.

g. Petitioner contended in enclosure (1), that he was discharged due to his sexual orientation.

h. 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 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

After careful review and consideration of all of the evidence of record, the Board determined that full relief is warranted in the interest of justice.

The Board noted Petitioner was discharged based solely on his admission of homosexuality and found no aggravating factors in his record. While the Board noted he was discharged for the good of the service based on his homosexual acts, they concluded this did not amount to an aggravating factor in light of reference (c).

Therefore, the Board found that it was in the interests of justice to grant full relief consistent with the guidance provided in references (c) and (d).

RECOMMENDATION

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record:

That Petitioner be issued a new DD Form 214, for the period ending 29 December 1965, indicating that Petitioner's narrative reason for separation was "Secretarial Authority," the SPD code assigned was "JFF1," the reenlistment code was "RE-1J," characterization of service was "Honorable," and the separation authority was "MARCORSEPMAN Par 6214."

That Petitioner be issued an Honorable Discharge Certificate.

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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 titled 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 Regulations, 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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

7/16/2024

