

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

appointed place of duty, failure to maintain a professional military appearance, lack of enthusiasm, and loss of motivation.

d. On 17 July 2001, charges were preferred against Petitioner for a violation of the Uniform Code of Military Justice (UCMJ) under Article 125 based on allegations of sodomy.

e. On 27 July 2001, Petitioner submitted a request for separation in lieu of trial, to include a personal statement acknowledging the alleged offense and expressing concern for his remaining among hostile Marines. After his request was approved, he was discharged on 9 November 2001 with a characterization of service under Other Than Honorable conditions. His averaged proficiency and conduct marks during his enlistment were 4.4 and 4.3, respectively.

f. 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, the Board concluded that the Petitioner's request warrants relief. The Board reviewed his application under the guidance provided in references (b) and (c).

In this regard, the Board noted that Petitioner's separation and characterization of service was based on charged misconduct related to his homosexual orientation. Petitioner's in-service record of performance and conduct otherwise reflected Honorable service. Therefore, it is in the interest of justice and fundamental fairness to grant relief.

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 Certificate of Release or Discharge from Active Duty (DD Form 214) indicating that, on 9 November 2001, he was discharged with an "Honorable" character of service, under the authority of "MARCORSEPMAN par. 6214," with a separation code of "JFF1," narrative reason for separation of "Secretarial Authority," and reentry code "RE-1J."

That Petitioner be issued an Honorable Discharge certificate.

That no further changes be made to Petitioner's record.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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 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.

5/2/2024

