



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

██████████
Docket No. 6852-24
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)

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 member of the Marine Corps, filed enclosure (1) requesting his record be changed consistent with references (b) and (c). Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error on 23 September 2024 and, pursuant to its regulations, determined 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 his naval service records, and 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 service on 26 March 2001.

d. Pursuant to a command directed fact-finding inquiry into Petitioner's alleged homosexuality, dated 13 September 2001, Petitioner admitted to having the desire and propensity

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[REDACTED] XXX XX [REDACTED] [REDACTED] USMC

to commit homosexual conduct and indicated his desire for an immediate administrative discharge.

e. On 24 October 2001, Petitioner was notified of administrative separation processing by reason of homosexuality due to self-admittance. He consulted with counsel and waived his right to request an administrative discharge board. Ultimately, he was discharged with a General (Under Honorable Conditions) characterization of service on 14 January 2002.

f. Petitioner contends he served honorably for seven months before his discharge for admitting homosexuality. He further contends, because of his admission, his DD Form 214 contains invasive and inappropriate private information.

g. Petitioner has no history of misconduct in his official naval record.

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," 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 due to a homosexual admission and found no evidence of aggravating factors in his record. Therefore, the Board determined he was entitled to full relief under reference (c).

RECOMMENDATION

That Petitioner be issued a Certificate of Release or Discharge from Active Duty DD (Form 214), for the period ending 14 January 2002, indicating his character of service as "Honorable," separation authority as "MARCORSEPMAN 6214," separation code as "JFF1," narrative reason for separation as "Secretarial Authority," and reenlistment code as "RE-1J."

Petitioner be issued an Honorable discharge certificate.

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 entitled matter.

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[REDACTED] XXX XX [REDACTED] / [REDACTED] USMC

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.

10/11/2024

