



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

Docket No. 10248-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF
XXX XX [REDACTED] 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 that her characterization of service be upgraded, consistent with references (b) and (c), and that her GI Bill benefits be restored.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error on 16 December 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 her 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, 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 Marine Corps and began a period of active service on 30 September 1965. On 19 January 1967, Petitioner admitted to homosexuality in an interview with Navy Investigative Service. Consequently, she was notified of administrative separation processing due to homosexual tendencies. She waived her rights related to the process, including

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the right to an Administrative Discharge Board. On 21 April 1967, she was discharged with an Other Than Honorable (OTH) characterization of service.

d. Petitioner has no history of misconduct in her official naval record.

e. Petitioner contends her discharge resulted from sexual orientation. In support of her application, she provided service record documents, education certificates, four advocacy letters, and various newspaper articles and photographs.

g. 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 partial 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 her record. Therefore, the Board found that it was in the interests of justice to upgrade Petitioner's characterization of discharge to Honorable and change her narrative reason for separation, separation authority, and reentry code consistent with the guidance provided in reference (c).

Notwithstanding the above, the Board was unable to grant Petitioner's request to reinstate her GI Bill benefits. The Board concluded that it lacked the statutory authority to grant her request since the GI Bill is a program under the purview of the Department of Veteran's Affairs.

RECOMMENDATION

In view of the above, the Board directs the following corrective action:

That Petitioner be issued a new Certificate of Release from Active Duty (DD Form 214), for the period ending 21 April 1967, indicating that she was discharged with a characterization of service of "Honorable," separation code of "JFF2," narrative reason of "Directed by the Secretary of the Navy to correct official records," separation authority of "Paragraph 6012.1g, Marine Corps Separation Manual," and a reentry code of "RE-1J."

That Petitioner be issued an Honorable Discharge Certificate.

A copy of this report of proceedings be filed in Petitioner's naval record.

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4. It is certified a quorum was present at the Board's review and deliberations, and 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.

1/14/2025

[REDACTED]