



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

█
Docket No. 1679-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
█ 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 w/attachments
(2) Naval record (excerpts)

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 discharge be upgraded and that his record be changed consistent with references (b) and (c).

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 6 June 2025 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, 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 Petitioner's application 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 25 June 1996.

d. On 27 November 1996, Petitioner submitted a voluntary statement admitting to homosexuality.

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e. On 9 December 1996, Petitioner was notified of administrative separation processing due to homosexuality. He waived his procedural rights to consult with counsel and to have his case heard before an administrative discharge board. Ultimately, the separation authority directed his separation for homosexual admission and Petitioner was discharged with an uncharacterized entry level separation (ELS) on 26 December 1996¹.

f. Petitioner cites the repeal of "Don't Ask, Don't Tell" and adds, "though the duration of my service was cut short, I served proudly and had been promoted to PFC in a short time."

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," 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.

k. For purposes of clemency and equity consideration, the Board considered the totality of Petitioner's application; which consisted solely of his DD Form 149 without any other additional documentation.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. The Board noted Petitioner's record supports that he was solely discharged on the basis of homosexuality and determined he is entitled to partial relief under reference (c).

Notwithstanding the recommended corrective action below, the Board determined Petitioner's uncharacterized ELS remains appropriate. The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrants relief in Petitioner's case in accordance with references (b) and (c). These included, but were not limited to, Petitioner's desire for a discharge upgrade and the previously discussed contentions.

After thorough review, the Board found no error or inequity in Petitioner's assigned discharge and concluded that the potentially mitigating factors presented were insufficient to warrant relief. The Board determined that Petitioner was processed for separation within the first 180 days of active duty and correctly assigned an uncharacterized ELS. While there are exceptions to the policy in cases involving misconduct or extraordinary performance, the Board determined neither applied in Petitioner's case. Accordingly, the Board determined Petitioner was not entitled to any additional relief.

¹ Service regulations direct the assignment of an uncharacterized ELS when a service member is processed for separation within their first 180 days of active duty.

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RECOMMENDATION:

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

That the Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that, for the period ending 26 December 1996, that he was discharged with the narrative reason for separation of "Secretarial Authority," separation code of "JFF1," separation authority of "MARCORSEPMAN par. 6214," and reentry code of "RE-1J."

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

That a copy of this record of proceedings be filed in Petitioner's naval record.

4. It is certified that 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 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 reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6/24/2025

