



Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
[REDACTED] XXX XX [REDACTED] USMC

d. On or about 28 February 2005, Petitioner provided an unsolicited written and oral statement to his command stating that he was a homosexual and intended to live an openly homosexual lifestyle. Petitioner's Commanding Officer determined his statement to be credible.

e. Following his voluntary statement, Petitioner was processed for an administrative separation by reason of homosexual conduct as evidenced by his written admission. Petitioner waived his rights to consult with counsel, include written rebuttal statements, and to request an administrative separation board. Ultimately, on 15 March 2005, Petitioner was discharged from the Marine Corps for homosexuality with an "Honorable" characterization of service and assigned an RE-4 reentry code.

f. Petitioner's service record did not otherwise contain any documented misconduct in his second enlistment.

g. In short, Petitioner contended, in part, that his discharge was an injustice because it was based on the "don't ask, don't tell" (DADT) policy. He also contended, in part, that his narrative reason for separation was discriminatory and an injustice because it was based on the DADT policy without any aggravating factors. Petitioner further argued that it was unjust for Petitioner to continue to be burdened by such narrative reason in light of the DADT repeal. Petitioner essentially contended that changes in Department of the Navy policy and the Wilkie Memo directive provide the Marine Corps with broad discretion to correct Petitioner's injustice.

h. References (b) and (c) set forth the Department of the Navy's current policies, standards, and procedures for correction of military records following the DADT repeal of 10 U.S.C. 654. It provides service Discharge Review Boards with the guidance to normally grant requests to change the narrative reason for discharge to "Secretarial Authority," the separation code to "JFF1," the reentry code to "RE-1J," and other conforming changes to the DD Form 214 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 that Petitioner's request warrants partial relief. The Board noted Petitioner's record supports that he was administratively discharged due to his homosexual conduct based on the DADT policy in place at such time and that there were no aggravating factors in his service record.

Accordingly, the Board concluded that certain remedial changes were warranted to the Petitioner's narrative reason for separation, separation authority, separation code, and reentry code to conform with all current military directives and policy.

The Board denied Petitioner's request to exclude any remarks on his DD-214 to indicate it was corrected. The Board noted that any time a DD-214 is corrected, Headquarters U.S. Marine Corps will include a routine, benign comment in Block 18 that such DD-214 was administratively reissued on a certain date. The Board determined that such generic comments

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in the ordinary course of business on a newly issued DD Form 214 in no way creates an adverse inference.

RECOMMENDATION:

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

That Petitioner be issued a new DD Form 214, for the period ending 15 March 2005, indicating he was discharged with the narrative reason for separation of "Secretarial Authority," separation authority of "MARCORSEPMAN par. 6214," separation code of "JFF1," and reentry code of "RE-1J."

No other changes to Petitioner's record are merited.

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.

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.

