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ALMAR

ACCT NA-CNRF

UNCLAS //NO1900//

ALMAR 047/81

CMC CODE MPP-38A/MPA

SUBJ: MCO P1900.16B CH 4, MARCORSEPMAN

A. SECNAVINST 1900.9D

1. THIS CH IS APPLICABLE TO MARCORPS ACTIVITIES ON DISTRIBUTION CODE DY.

2. THIS CH IMPLEMENTS THE PROVISIONS OF REF A WHICH WILL BE PROMULGATED IN THE NEAR FUTURE.

3. IN PAR 6001.5N(1), LINE ONE, DELETE "NINE" AND SUBSTITUTE "10". ON LINE TWO DELETE "6002.2I" AND SUBSTITUTE "6002.2J."

4. IN PAR 6001.5N(2)(A), LINE ONE, INSERT AFTER "SECURITY", "HOMOSEXUALITY".

5. ADD NEW PARS 6001.5P, 5Q AND 5R AS FOLLOWS:

"P. HOMOSEXUAL. A PERSON, REGARDLESS OF SEX, WHO ENGAGES IN, DESIRES TO ENGAGE IN OR INTENDS TO ENGAGE IN HOMOSEXUAL ACTS.

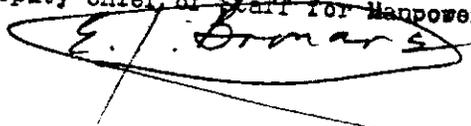
"Q. BISEXUAL. A PERSON WHO ENGAGES IN, DESIRES TO ENGAGE IN OR MP(2), POC, JA, MM

CMC CENTRAL FILES
NO SUPPORT DIVISION

MAJOR SHORT/MPP-38A/41931

E. J. BRONARS

Lieutenant General, U. S. Marine Corps
Deputy Chief of Staff for Manpower



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INTENDS TO ENGAGE IN HOMOSEXUAL AND HETEROSEXUAL ACTS.

"R. HOMOSEXUAL ACT. BODILY CONTACT, ACTIVELY UNDERTAKEN OR PASSIVELY PERMITTED, BETWEEN MEMBERS OF THE SAME SEX FOR THE PURPOSE OF SATISFYING SEXUAL DESIRES."

6. IN PAR 6002.2, LINE ONE, DELETE "10" AND SUBSTITUTE "11," DELETE "NINE" AND SUBSTITUTE "10." CH 6002.2J TO K, ADD NEW PAR J.

"J. HOMOSEXUALITY. DISCHARGE WITH A CHARACTERIZATION OF DISCHARGE AS PRESCRIBED IN PAR 6013."

7. IN PAR 6002.3 ADD NEW LAST SENTENCE: "IN THE CASE OF A MEMBER BEING SEPARATED BY REASON OF HOMOSEXUALITY, RETENTION IS NOT AUTHORIZED UNLESS THE MEMBER MEETS THE RETENTION CRITERIA OF PAR 6013."

8. IN PAR 6002.5 DELETE IN LINES TWO AND THREE "EXCEPT A DISCHARGE BY REASON OF FRAUDULENT ENLISTMENT." ADD NEW LAST LINE "SUSPENSION OF AN APPROVED ADMINISTRATIVE DISCHARGE IS NOT AUTHORIZED FOR A DISCHARGE BY REASON OF HOMOSEXUALITY OR FRAUDULENT ENLISTMENT."

9. IN PAR 6002.9 DELETE LAST SENTENCE AND ADD NEW LAST SENTENCE: "IF THE RECOMMENDED DISCHARGE IS BASED UPON AN NIS REPORT, PERTINENT STATEMENTS FROM THAT INVESTIGATION WILL BE FORWARDED WITH THE DISCHARGE RECOMMENDATION."

10. IN PAR 6002.15D, LINE FOUR, DELETE "6016.1F".

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11. IN PAR 6002.16, LINE TWO, CH "PARAGRAPH 6017" TO READ "PARAGRAPHS 6013 AND 6017".

12. IN PAR 6002.18 IN THE LAST LINE ADD "6013" AFTER "6001.50."

13. IN PAR 6003.18 IN THE LAST LINE CH "6003.1E{6}" TO "6003.1E{7}."

14. INSERT NEW PAR 6003.1E{7} AND RENUMBER THE REMAINING PAR ACCORDINGLY:

"{7} HOMOSEXUALITY, EXCEPT IF THERE IS A FINDING THAT THE ACT WAS COMMITTED UNDER THE CIRCUMSTANCES DESCRIBED IN PARAGRAPH 6013.4A."

15. IN PAR 6004.18, LINE TWO, CH "6003.1E{6}" TO "6003.1E{7}."

16. ADD NEW PAR 6005.1D:

"D. HOMOSEXUALITY, IF THERE IS A FINDING THAT AN ACT WAS COMMITTED UNDER THE CIRCUMSTANCES DESCRIBED IN PAR 6013.4A."

17. IN PARAGRAPH 6013 DELETE "NOT USED" AND INSERT THE FOL PARS:

"6013. DISCHARGE BY REASON OF HOMOSEXUALITY

"1. POLICY. HOMOSEXUALITY IS INCOMPATIBLE WITH MILITARY SERVICE. THE PRESENCE IN THE MILITARY ENVIRONMENT OF PERSONS WHO ENGAGE IN HOMOSEXUAL CONDUCT OR WHO, BY THEIR STATEMENTS, DEMONSTRATE A PROPENSITY TO ENGAGE IN HOMOSEXUAL CONDUCT, SERIOUSLY IMPAIRS THE

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ACCOMPLISHMENT OF THE MILITARY MISSION BY ADVERSELY AFFECTING THE ABILITY OF THE MARINE CORPS TO MAINTAIN DISCIPLINE, GOOD ORDER, AND MORALE; TO FOSTER MUTUAL TRUST AND CONFIDENCE AMONG SERVICE MEMBERS; TO INSURE THE INTEGRITY OF THE SYSTEM OF RANK AND COMMAND; TO FACILITATE ASSIGNMENT AND WORLDWIDE DEPLOYMENT OF SERVICE MEMBERS WHO FREQUENTLY MUST LIVE AND WORK UNDER CLOSE CONDITIONS AFFORDING MINIMAL PRIVACY; TO RECRUIT AND RETAIN MEMBERS OF THE MARINE CORPS; TO MAINTAIN THE PUBLIC ACCEPTABILITY OF MILITARY SERVICE; AND TO PREVENT BREACHES OF SECURITY. SUCH PERSONS SHALL NORMALLY BE SEPARATED FROM THE MARINE CORPS.

"2. PROCEDURE. A MEMBER WHOSE SEP IS WARRANTED UNDER PAR 6013.3B OF THIS MANUAL SHALL BE PROCESSED FOR ADMIN SEP. HOWEVER, NOTHING HEREIN PRECLUDES DISCIPLINARY ACT IAW THE UNIFORM CODE OF MILITARY JUSTICE WHEN SUCH ACT IS DETERMINED BY PROPER AUTHORITY TO BE APROP UNDER THE CIRCUMSTANCES. IN THIS CONNECTION, THERE IS NO RIGHT ON THE PART OF ANY INDIVIDUAL TO DEMAND TRIAL BY COURT-MARTIAL IN LIEU OF ADMINISTRATIVE PROCESSING.

"A. INQUIRY. A COMMANDING OFFICER (AS USED HEREIN THE TERM COMMANDING OFFICER SHALL INCLUDE AN OFFICER IN CHARGE) WHO RECEIVES APPARENTLY RELIABLE INFORMATION THAT SEP OF A MBR OF HIS/HER UNIT OR

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ORGANIZATION IS WARRANTED UNDER PAR 6013.3B SHALL INQUIRE THOROUGHLY INTO THE MATTER TO DETERMINE ALL THE FACTS AND CIRCUMSTANCES OF THE CASE. GREAT CARE AND OBJECTIVITY MUST BE EXERCISED TO LAWFULLY DEVELOP AND DOCUMENT ALL PERTINENT FACTS. ALL PERSONS INVOLVED SHOULD BE THOROUGHLY QUESTIONED AND THE RELEVANT FACTS FULLY RECORDED. THE NEAREST NAVAL INVESTIGATIVE SERVICE OFFICE WILL RENDER PROFESSIONAL INVESTIGATIVE ASSISTANCE AND ADVICE IN APROP CASES. IF THE ASSISTANCE OF THE NAVAL INVESTIGATIVE SERVICE CANNOT BE OBTAINED IN A REASONABLE TIME, HOWEVER, THE COMMANDING OFFICER SHOULD NEVERTHELESS PROCEED WITH THE INQUIRY WITHOUT DELAY.

B. DISPOSITION. IF UPON COMPL OF THE INQUIRY, THE COMMANDING OFFICER DETERMINES THAT THERE IS NO PROBABLE CAUSE TO BELIEVE THAT SEP OF THE MBR IS WARRANTED UNDER PAR 6013.3B, HE/SHE SHOULD PROMPTLY TERMINATE ALL ACT IN THE CASE. OTHERWISE, THE COMMANDING OFFICER SHALL INITIATE ADMIN SEP PROCEEDINGS. AN ADMIN DISCHARGE BOARD AS REQR BY THIS CHAPTER SHALL BE CONVENEED AND CONDUCTED IAW PAR 6013.6 AND 6024.1 OF THIS MANUAL. THE COMMANDANT OF THE MARINE CORPS AND ALL MARINE COMMANDERS EXERCISING GENERAL COURT-MARTIAL JURISDICTION MAY AUTHORIZE OR DIRECT THE RETENTION IN THE SERVICE OR THE DISCHARGE OF MARINES BY REASON OF HOMOSEXUALITY. ALL RECORDS

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CONCERNING ADMIN SEP PROCEEDINGS IAW THIS PAR WILL BE FWD SEPARATELY TO CMC {CODE MMSR-3} NLT FIVE WORKING DAYS AFTER FINAL ACT IS COMPL.

"3. BASES FOR ADMIN SEPARATIONS

"A. A MEMBER MAY BE ADMIN SEP FROM THE MARINE CORPS ON THE BASIS OF PRESERVICE, PRIOR SERVICE OR CURRENT SERVICE CONDUCT OR STATEMENTS.

"B. A MEMBER SHALL BE SEP UNDER THIS MANUAL IF, BUT ONLY IF, ONE OR MORE OF THE FOL THREE APPROVED FINDINGS IS MADE:

"{1} THE MEMBER HAS ENGAGED IN, ATTEMPTED TO ENGAGE IN OR SOLICITED ANOTHER TO ENGAGE IN A HOMOSEXUAL ACT OR ACTS UNLESS THERE ARE APPROVED FURTHER FINDINGS THAT:

"{A} SUCH CONDUCT IS A DEPARTURE FROM THE MEMBER'S USUAL AND CUSTOMARY BEHAVIOR; AND

"{B} SUCH CONDUCT UNDER ALL THE CIRCUMSTANCES IS UNLIKELY TO RECUR; AND

"{C} SUCH CONDUCT WAS NOT ACCOMPLISHED BY USE OF FORCE, COERCION OR INTIMIDATION BY THE MEMBER DURING A PERIOD OF MILITARY SERVICE; AND

"{D} UNDER THE PARTICULAR CIRCUMSTANCES OF THE CASE, THE MEMBER'S CONTINUED PRESENCE IN THE SERVICE IS CONSISTENT WITH THE

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INTEREST OF THE SERVICE IN PROPER DISCIPLINE, GOOD ORDER AND MORALE;
AND "{E} THE MEMBER DOES NOT DESIRE TO ENGAGE IN OR INTEND TO ENGAGE
IN HOMOSEXUAL ACTS. OR

"{2} THE MEMBER HAS STATED THAT HE OR SHE IS A HOMOSEXUAL OR
BISEXUAL UNLESS THERE IS A FURTHER FINDING THAT THE MEMBER IS NOT A
HOMOSEXUAL OR BISEXUAL. OR

"{3} THE MEMBER HAS MARRIED OR ATTEMPTED TO MARRY A PERSON
KNOWN TO BE OF THE SAME BIOLOGICAL SEX {AS EVIDENCED BY THE EXTERNAL
ANATOMY OF THE PERSONS INVOLVED} UNLESS THERE ARE FURTHER FINDINGS
THAT THE MEMBER IS NOT A HOMOSEXUAL OR BISEXUAL AND THE PURPOSE OF
THE MARRIAGE OR ATTEMPT WAS THE AVOIDANCE OR TERMINATION OF MILITARY
SERVICE.

"4. REASON FOR SEPARATION AND CHARACTERIZATION

"A. A SEPARATION UNDER OTHER THAN HONORABLE CONDITIONS BY REASON
OF HOMOSEXUALITY SHALL NORMALLY BE ISSUED IF THERE IS A FINDING THAT
DURING THE CURRENT TERM OF SERVICE THE MEMBER ATTEMPTED, SOLICITED,
OR COMMITTED A HOMOSEXUAL ACT IN ONE OR MORE OF THE FOL CIRCUM-
STANCES:

"{1} BY USING FORCE, COERCION OR INTIMIDATION;

"{2} WITH A PERSON UNDER 16 YEARS OF AGE;

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"{3} WITH A SUBORDINATE IN CIRCUMSTANCES THAT VIOLATE
CUSTOMARY MILITARY SUPERIOR-SUBORDINATE RELATIONSHIPS;

"{4} OPENLY IN PUBLIC VIEW;

"{5} FOR COMPENSATION

"{6} ABOARD A MILITARY VESSEL OR AIRCRAFT; OR

"{7} IN ANOTHER LOCATION SUBJECT TO MILITARY CONTROL UNDER
AGGRAVATING CIRCUMSTANCES NOTED IN THE FINDING THAT HAVE AN ADVERSE
IMPACT ON DISCIPLINE, GOOD ORDER OR MORALE COMPARABLE TO THE IMPACT
OF SUCH ACTIVITY ABOARD A VESSEL OR AIRCRAFT.

"B. IN CASES OF UNDISCLOSED PRESERVICE HOMOSEXUALITY THAT CON-
STITUTES A FRAUDULENT ENLISTMENT, THE MEMBER SHALL BE PROCESSED IAW
PAR 6017.3B.

"C. IN ALL OTHER CASES, DISCHARGE OF A MEMBER SEP UNDER THIS
CHAPTER SHALL BE BY REASON OF HOMOSEXUALITY AND THE CHARACTERIZATION
OF THAT MEMBER'S DISCHARGE SHALL REFLECT THE CHARACTER OF SERVICE.

"5. FOR THE PURPOSE OF INTERPRETING OTHER MARINE CORPS REGULATIONS;
FOR EXAMPLE, TO DETERMINE WHETHER A REENLISTMENT BONUS SHOULD BE
RECOUPED OR WHETHER SEP FOR MEDICAL REASONS SHOULD TAKE PRECEDENCE
OVER SEP FOR HOMOSEXUALITY, ALL SEP UNDER THIS PAR SHALL BE TREATED
AS HAVING BEEN BY REASON OF MISCONDUCT.

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"6. AN ENLISTED MEMBER BEING CONSIDERED FOR SEPARATION BY REASON OF HOMOSEXUALITY SHALL HAVE THE RIGHT TO REQUEST AN ADMIN DISCHARGE BOARD AND SHALL BE SO ADVISED IN ALL CASES SUBJECT TO THE FOL PROVISIONS:

"A. THE BOARD SHALL FOLLOW PROCEDURES OUTLINED IN PAR 6024 OF THIS MANUAL, EXCEPT:

"{1} IF THE BOARD FINDS THAT ONE OR MORE OF THE CIRCUMSTANCES AUTHORIZING SEPARATION UNDER PAR 6013.3B OF THIS MANUAL IS SUPPORTED BY THE EVIDENCE, THE BOARD SHALL RECOMMEND SEPARATION UNLESS THE BOARD FINDS THAT RETENTION IS WARRANTED UNDER THE LIMITED CIRCUMSTANCES DESCRIBED IN THAT PARAGRAPH.

"{2} IF THE BOARD DOES NOT FIND THAT THERE IS SUFFICIENT EVIDENCE THAT ONE OR MORE OF THE CIRCUMSTANCES AUTHORIZING SEP UNDER PAR 6013.3B HAS OCCURRED, THE BOARD SHALL RECOMMEND RETENTION UNLESS THE CASE INVOLVES ANOTHER BASIS FOR SEP OF WHICH THE MEMBER HAS BEEN DULY NOTIFIED.

"B. ADDITIONALLY, MEMBERS BEING PROCESSED FOR SEPARATION BY REASON OF HOMOSEXUALITY WILL BE ADVISED OF THEIR RIGHTS IAW PAR 6023 OF THIS MANUAL."

18. DELETE PAR 6016.1 AND SUBSTITUTE:

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"1. CMC AND ALL MARINE COMMANDERS EXERCISING GENERAL COURT-MARTIAL JURISDICTION MAY AUTHORIZE OR DIRECT THE RETENTION IN THE SERVICE OR DISCHARGE OF MEMBERS RECOMMENDED FOR DISCHARGE BY REASON OF UNSUITABILITY. ALL RECOMMENDATIONS FOR A MARINE'S DISCHARGE BY REASON OF UNSUITABILITY SUBMITTED BY COMMANDING OFFICERS OR OFFICERS IN CHARGE NOT UNDER THE COMMAND OF A MARINE COMMANDER EXERCISING GENERAL COURT-MARTIAL JURISDICTION WILL BE FORWARDED TO CMC {CODE MMSR}. RECOMMENDATIONS FOR UNSUITABILITY DISCHARGES FOR MEMBERS OF THE INDIVIDUAL READY RESERVE OR STANDBY

RESERVE WILL BE FORWARDED TO THE CMC {CODE RESP}. A DISCHARGE FOR REASON OF UNSUITABILITY WILL BE EFFECTED WITH AN HONORABLE OR GENERAL DISCHARGE, AS WARRANTED BY THE MARINE'S MILITARY RECORD {UNLESS OTHERWISE DIRECTED BY THE CMC} WHEN IT HAS BEEN DETERMINED THAT A MARINE IS UNSUITABLE FOR FURTHER MILITARY SERVICE BECAUSE OF:"

19. DELETE PAR 6016.1F AND RELETTER THE REMAINING PARS ACCORDINGLY.

20. DELETE PARS 6017.1A AND 6017.1C AND RELETTER THE REMAINING PAR ACCORDINGLY.

21. DELETE PAR 6017.2{A}{2} AND RENUMBER REMAINING PARS ACCORD-

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INGLY.

22. CH PAR 6017.3B(6) TO READ: "PRESERVICE HOMOSEXUAL ACTS, ADMISSIONS, OR MARRIAGES."

23. IN PAR 6021.1 DELETE THE FIRST SENTENCE. DELETE THE WORDS "IN OTHER CASES" AT THE BEGINNING OF THE SECOND SENTENCE.

24. IN PAR 6023 ADD 6013 AFTER 6012 IN LINE TWO

25. DELETE PAR 6023.5D.

26. IN PAR 6024.4B ADD NEW LAST SENTENCE "ALSO SEE PAR 6013.6."

27. ADD NEW PAR 6024.5C:

"C. RETENTION IN THE CASE OF A MEMBER BEING RECOM FOR DISCHARGE BY REASON OF HOMOSEXUALITY REQUIRES AN APPROVED FINDING IAW PAR 6013."

28. A MEMBER WHO HAS BEEN NOTIFIED OF ADMIN PROCESSING FOR DISCHARGE BY REASON OF HOMOSEXUALITY MAY BE PROCESSED IAW THE BASIC MANUAL, INCLUDING CHANGE 1, 2, AND 3 ONLY, PROVIDED THAT THE OFFICIAL LETTER OF NOTIFICATION TO THE MEMBER IS DATED NLT 15 DAS AFTER DATE OF THIS MSG CH.

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