



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

[REDACTED]  
Docket No. 3926-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
[REDACTED] USN, XXX-XX-[REDACTED]

- Ref: (a) 10 U.S.C. § 1552  
(b) DEPSECDEF Memo, subj: Actions to Address Potential Injustices with Military Records of Former Service Members Administratively Separated Based on Their Sexual Orientation, 3 January 2025  
(c) BUPERSMAN Article 3420185  
(d) USD (P&R) Memo, subj: Correction of Military Records Following Repeal of Section 654 of Title 10, United States Code, 20 September 2011  
(e) USD (P&R) Memo, subj: Guidance to Military Discharge Review Boards and Boards for Correction of Military / Naval Records Regarding Equity, Injustice, or Clemency Determinations," 25 July 2018  
(f) BUPERSINST 1900.8F, Certificate of Uniformed Service (DD 214, DD 214-1, DD 214C, DD 214WS, and DD 215), 27 March 2025  
(g) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997
- Encl: (1) ASN (M&RA) Memo, subj: Group Application Pursuant to 10 U.S.C. §1552(b) – Similarly Harmed Veterans Administratively Separated Based Solely upon their Sexual Orientation with less than a Fully Honorable Characterization of Service since 1 January 1980  
(2) DD Form 149  
(3) DD Form 214  
(4) NAVPERS P607/7R, Court Memorandum, 21 March 1978  
(5) Standard Form 513, Clinical Record, 4 April 1978  
(6) NAVPERS 1070/813, Administrative Remarks, 26 April 1978  
(7) NAVAL SPEEDLETTER, 1 May 1978  
(8) [REDACTED], Memo 10/ALS:ha 1900, Ser 763, Subj: Notification of Administrative Board Procedure Proposed Action, 11 May 1978  
(9) Statement of Awareness and Request for Privileges in the case of [Petitioner], 11 May 1978  
(10) [REDACTED] CO Memo 10/DLW:cs 1900, Ser 789, Subj: [Petitioner] recommendation for discharge by reason of misconduct, 11 May 1978  
(11) NAVPERS P601-7R, Court Memorandum, 12 May 1978  
(12) NAVPERS P601-7R, Court Memorandum, 12 May 1978  
(13) CHNAVPERS Naval Message 081946Z JUN 78 (Naval message concerning [Petitioner's] administrative discharge)

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1. In accordance with subsection (b) of reference (a) and the terms of the settlement agreement in the case of *Farrell, et. al. v. U.S. Department of Defense, et. al.*, as implemented by reference (b), the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)) filed enclosure (1) with the Board for Correction of Naval Records, hereinafter referred to as the Board, on behalf of a group of similarly harmed Sailors and Marines whose DD Form 214 reflects that they were discharged due to their sexual orientation with less than a fully honorable characterization of service. The Subject, hereinafter referred to as Petitioner, filed enclosure (2) with the Board, thus opting in to this group application review.<sup>1</sup> A preliminary review of enclosure (3) revealed that Petitioner met the criteria for inclusion in this group application.<sup>2</sup>

2. A three-member panel of the Board, meeting in executive session, conducted an individualized review of Petitioner's naval record on 24 June 2025, and found sufficient evidence of an injustice warranting the corrective action recommended in paragraph 5 below. Documentary material considered by the Board included the enclosures; relevant portions of Petitioner's naval record; and applicable statutes, regulations, and policies, to include references (d) and (e).

3. Factual Background. Following are the relevant facts of Petitioner's case based upon review of her naval record:

a. On 12 May 1977, Petitioner explicitly denied any prior use of marijuana or any other harmful or habit-forming drugs and/or chemicals on her application for enlistment in the U.S. Navy. She also explicitly denied having prescribed tranquilizer drugs. See enclosure (4)

b. Petitioner enlisted in the U.S. Navy began a period of active duty service on 1 June 1977. See enclosure (3).

c. On 21 February 1978, Petitioner reported to the [REDACTED] for training. See enclosure (5).

d. In March 1978, Petitioner stole a van, drove to [REDACTED] and was jailed for approximately 12 days for a drug offense. This resulted in an unauthorized absence (UA) of almost three days.<sup>3</sup> See enclosure (6).

<sup>1</sup> In addition to requesting an upgrade to her discharge characterization pursuant to the streamlined group application procedures implemented pursuant to the Farrell class action settlement, Petitioner also requested that the name reflected on her DD Form 214 be changed to her current legal name (included in the subject line). Specifically, she asserted an injustice in that she is essentially outed as transexual every time she has reason to utilize her DD Form 214 for any reason since it reflects her former male name, and she must provide evidence that she is the same person currently with a female name. Such a change does not require action by the Board, but is addressed in paragraph 4d below.

<sup>2</sup> Enclosure (3) lists reference (c) as the authority for Petitioner's separation, thereby providing a traceable reference to the fact that Petitioner was discharged due to homosexuality.

<sup>3</sup> Petitioner surrendered on board the [REDACTED] at approximately 1400 hours on 5 March 1978 after being UA from the [REDACTED] since 0800 hours on 3 March 1978. She was issued arrest orders directing her to return to the [REDACTED] not later than 1400 hours on 17 March 1978. See enclosure (7). The Board presumes that the reported jail time was served during the interim period.

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e. Petitioner was screened by and admitted for a 30-day counseling program at the Counseling and Assistance Center (CAAC) following the arrest referenced in paragraph 3d above. She disclosed heavy and chronic use of marijuana dating back to the age of 16 and short-term involvement with other drugs through this program, contrary to the assertions made on her enlistment application (see paragraph 3a above).<sup>4</sup> She also disclosed a series of homosexual experiences. See enclosure (8).

f. On 21 March 1978, Petitioner received nonjudicial punishment (NJP) for UA in violation of Article 86, Uniform Code of Military Justice (UCMJ).<sup>5</sup> She was reduced to pay grade E-3 and required to forfeit half of her monthly base pay each month for two months. See enclosure (9).

g. On 20 April 1978, Petitioner was referred for a psychiatric evaluation by the CAAC for a suitability evaluation. She was diagnosed with an immature personality with chronic depression, drug dependence and Class II homosexual behavior, and strongly recommended for administrative separation due to unsuitability. See enclosure (6).

h. On 25 April 1978, Petitioner received her second NJP for violating a lawful general regulation by wrongfully possessing cocaine in violation of Article 92, UCMJ;<sup>6</sup> and for three specifications of UA in violation of Article 86, UCMJ.<sup>7</sup> She was reduced to pay grade E-2.<sup>8</sup> See enclosure (10).

i. By memorandum dated 11 May 1978, Petitioner was formally notified in writing that she was being considered for administrative separation from the naval service by reason of misconduct.<sup>9</sup> See enclosure (11).

j. On 11 May 1978, Petitioner acknowledged that she was being considered for an administrative discharge for engaging in homosexual acts and for procurement of a fraudulent enlistment, and that she could be separated under other than honorable (OTH) conditions. She waived all of her rights pursuant to the administrative discharge process. See enclosure (12).

k. By memorandum dated 11 May 1978, Petitioner's commander recommended that Petitioner receive a general discharge from the Navy for misconduct due to homosexual activities while a member of the naval service and for procurement of a fraudulent enlistment. See enclosure (13).

l. On 12 May 1978, Petitioner received her third NJP for leaving her guard watch post without authority and with intent to abandon the same at approximately 2130 hours on 11 May

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<sup>4</sup> Petitioner admitted to the use of LSD off base on about 10 occasions prior to December 1977; the use of cocaine once on base in November 1977; and the use of Quaalude, PCP, Amphetamines, and Amyl Nitrate for short periods and in small quantities between ages 16-19. She also disclosed the use of prescription tranquilizers about three times a week for about a year at age 17.

<sup>5</sup> This was the UA referenced in paragraph 3c above.

<sup>6</sup> This possession of marijuana was alleged to have occurred on 27 March 1978, so it would have been distinct from the drug offense referenced in paragraph 3d above.

<sup>7</sup> Petitioner was allegedly UA from the Duty Section BEQ 106 at 0730, 1330, and 1900 hours on 16 April 1978.

<sup>8</sup> This punishment was suspended for six months.

<sup>9</sup> This notice referenced reference (c), indicating that the misconduct in question included homosexual conduct.

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1978 in violation of Article 86, UCMJ;<sup>10</sup> and for violating a lawful general regulation by wrongfully possessing marijuana on the same day in violation of Article 92, UCMJ.<sup>11</sup> She was reduced to pay to pay grade E-1 and required to forfeit \$150 pay per month for two months. See enclosure (14).

m. By message dated 8 June 1978, the separation authority directed that Petitioner be separated from the naval service with a "type warranted by service record" discharge.<sup>12</sup> See enclosure (16).

n. On 19 June 1978, Petitioner was administratively separated from the Navy with a general discharge. See enclosure (4).

o. Since being discharged from the Navy, Petitioner graduated Magna Cum Laude from the [REDACTED] and was employed as a Registered Nurse from 2012 until late 2021.<sup>13</sup> See enclosure (1).

p. On 7 April 2004, Petitioner's name was legally changed by the State of [REDACTED] to that reflected in the subject line. See enclosure (18).

#### 4. Conclusions.

a. In accordance with reference (d), the Board should normally grant requests to change the narrative reason for a discharge, requests to re-characterize a discharge to honorable, and/or requests to change the reentry code to an immediately-eligible-to-renter category when both the following conditions are met: (1) the original discharge was based solely on the former "Don't Ask, Don't Tell" (DADT) or a similar policy in place prior to enactment of DADT and (2) there were no aggravating factors in the record, such as misconduct. Petitioner, however, was not discharged solely due to her homosexual conduct. Although not reflected on her DD Form 214, Petitioner was processed and separated for both engaging in homosexual acts and for procurement of a fraudulent enlistment. Additionally, there is a significant amount of misconduct in Petitioner's naval record unrelated to her alleged homosexual acts. Accordingly, Petitioner's case does not fall within the general guidance of reference (d).

b. In accordance with reference (e), the Board considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice. In this regard, the Board considered, amongst other factors, that homosexuality is now permitted within the military and that a current Service member under the same circumstances would therefore be neither punished nor processed for separation for similar homosexual acts; that Petitioner volunteered to

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<sup>10</sup> Petitioner was on gate guard duty when he left his post without authority.

<sup>11</sup> This misconduct also resulted in the vacation of Petitioner's suspended reduction in grade awarded during his 25 April 1978 NJP (see paragraph 3h above). See enclosure (15).

<sup>12</sup> The separation authority directed that Petitioner's discharge be held in abeyance until she was advised of her right to appeal it to the Secretary of the Navy. Petitioner acknowledged this right and declined to appeal the discharge on 12 June 1978. See enclosure (17).

<sup>13</sup> Petitioner reports that she was diagnosed with skin cancer in 2022 and lacked the stamina to continue in that profession.

service her Nation and did so at a time when homosexuality was prohibited; Petitioner's post-service academic and professional accomplishments; Petitioner's relative youth and immaturity at the time of her misconduct; and the passage of time since Petitioner's discharge. Unfortunately, the Board did not find these mitigating factors nearly sufficient to justify upgrading the characterization of Petitioner's discharge. In just over one year of service, Petitioner earned three NJPs and spent 12 days in civilian confinement after stealing a van and possessing marijuana. She also admitted to a significant amount of illicit drug use, both on and off base, for which she was never punished. This was a remarkable amount of misconduct over a relatively short period of time; Petitioner was fortunate to have been separated with only a general discharge under the circumstances. Petitioner also blatantly lied on her enlistment application when he reported no prior illicit drug use and failed to report potentially disqualifying medical conditions. Accordingly, the Board concluded that an equitable upgrade of Petitioner's discharge characterization is not warranted in the interests of justice.

c. While finding no injustice in the characterization of Petitioner's discharge, the Board did find an injustice in the fact that there remains a traceable reference to the fact that Petitioner engaged in homosexual acts during her naval service. Due to the inclusion of this reference on her DD Form 214, Petitioner must disclose personal information regarding her sexual orientation and/or previous sexual activity whenever she has cause to prove her military service for whatever reason. Other former members are not required to reveal such personal information when providing evidence of their military service. This constitutes an unreasonable burden and violation of Petitioner's privacy interests.

d. In accordance with reference (f), the name reflected on a DD Form 214 may be administratively changed upon request if that request is accompanied by a valid court order recognizing the legal name change.<sup>14</sup> Petitioner provided a court order from the State of Texas recognizing the name change that Petitioner requested. Accordingly, action by the Board is not required to effectuate Petitioner's request to change the name reflected on her DD Form 214. However, for purposes of expediency the Board recommends that Petitioner's requested name change be administratively implemented concurrently with the corrective action recommended in paragraph 5 below.

5. Recommendation. Based upon the conclusions in paragraph 4 above, the Board recommends that the following corrective action be taken on Petitioner's naval record:

a. That Petitioner be issued a new DD Form 214 reflecting that the narrative reason for her separation from the Navy on 1 June 1978 was "Secretary Plenary Authority"; that her separation authority was "BUPERSMAN 3630900"; and that her separation code was "JFF."<sup>15</sup> Except as stated in paragraph 5b below, all other entries reflected in Petitioner's current DD Form 214, to include the characterization of her service, shall remain unchanged.

<sup>14</sup> See paragraph 4c(3) of enclosure (1) to reference (f).

<sup>15</sup> The references to reference (c) and enclosure (16) included in the remarks section of Petitioner's current DD Form 214 shall not be carried over to this new DD Form 214.

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b. That the name reflected on Petitioner's corrected DD Form 214 be administratively changed pursuant to the guidance in paragraph 4b(3) of Enclosure (1) to reference (f), to her current name reflected in the subject line of this record of proceedings.

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

d. That no further corrective action be taken on Petitioner's naval record.

6. 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 titled matter. I have assured compliance with the provisions of reference (g).

7. The foregoing action of the Board is submitted for your review and action in accordance with Section 6e(1)(c) of Enclosure (1) to reference (g) and the guidance of enclosure (1).

8/8/2025

ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND RESERVE AFFAIRS)  
DECISION:

[REDACTED] Board Recommendation Approved (Partial Relief – I concur with the Board's conclusions and therefore direct only the corrective action recommended by the Board in paragraph 5 above.)

— Petitioner's Request Approved (Full Relief – I concur with the Board's conclusion as it pertained to Petitioner's narrative reason for separation (and name change), but not with regard to her discharge characterization. Specifically, I found the mitigating circumstances to so significantly outweigh the severity of Petitioner's misconduct such that full equitable relief is warranted in the interests of justice. Accordingly, I direct the corrective action recommended by the Board in paragraph 5 above, except that the characterization of Petitioner's service ending on 1 June 1978 shall be changed to "Honorable" and her reentry code shall be changed to "RE-1." Petitioner shall also be issued an Honorable Discharge Certificate.