



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

█
Docket No. 5730-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █
█

- Ref:
- (a) 10 U.S.C. §1552
 - (b) DEPSECDEF Memo, subj: Actions to Address Potential Injustices within Military Records of Former Service Members Administratively Separated Based on Their Sexual Orientation, 3 January 2025
 - (c) USD (P&R) Memo, subj: Correction of Military Records Following Repeal of Section 654 of Title 10, United States Code, 20 September 2011
 - (d) 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
 - (e) 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) Naval Station Mayport Message, subj: NIS Investigation ICO [Petitioner], dtg 271517Z NOV 85
 - (5) Naval Station █ CO Memo 1920 N001, subj: Notice of an Administrative Board Procedure Proposed Action, 9 December 1985
 - (6) Petitioner's Memo, subj: Statement of Awareness and Request for, or Waiver of, Privileges, 9 December 1985
 - (7) Naval Station █ CO Memo 1910 N001, subj: [Petitioner]; Recommendation for Separation due to Homosexuality as Evidenced by Having Engaged in, Attempted to Engage in, or Solicited Another to Engage in a Homosexual Act or Acts, 13 January 1986
 - (8) COMNAVMILPESRCOM Message, subj: Admin Disch ICO [Petitioner], dtg 311858Z JAN 86
 - (9) Naval Station █ CO Memo 1910 N001, subj: Notice of an Administrative Board Procedure Proposed Action, 5 February 1986
 - (10) Petitioner's Memo, subj: Statement of Awareness and Request for, or Waiver of, Privileges, 6 January 1986
 - (11) Naval Station █ CO Memo 1910 N001, subj: Recommendation for Separation due to Defective Enlistment and Induction due to Fraudulent Entry into the Naval

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[REDACTED]

Service and Homosexuality as Evidenced by having Engaged in, Attempted to Engage in, or Solicited Another to Engage in a Homosexual Act or Acts in the case of [Petitioner], 11 February 1986

(12) COMNAVMILPERSCOM Message, subj: Admin Disch ICO [Petitioner], dtg 261854 FEB 86

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. A preliminary review of enclosure (3) revealed that Petitioner met the criteria for inclusion in this group application.

2. A three-member panel of the Board, meeting in executive session, conducted an individualized review of the Subject'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 the Subject's naval record; and applicable statutes, regulations, and policies, to include references (c) and (d).

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

a. Petitioner enlisted in the U.S. Navy began a period of active duty service on 13 May 1985. See enclosure (3).

b. In November 1985, a Naval Investigative Service (NIS) investigation revealed that Petitioner had engaged in both pre-service and in-service homosexual acts. See enclosure (4).

c. By memorandum dated 9 December 1985, Petitioner was formally notified via the administrative board procedures that she was being considered for administrative discharge by reason of homosexuality. See enclosure (5).

d. On the same date, Petitioner acknowledged the notification referenced in paragraph 3c above and elected to exercise her right to submit a statement in response to the proposed separation after consulting with counsel. See enclosure (6).

e. By memorandum dated 13 January 1986, Petitioner's commander recommended that Petitioner be discharged from the Navy due to homosexual conduct with a characterization warranted by her service record. This recommendation was forwarded to the separation authority without a statement from Petitioner. See enclosure (7).

f. By message dated 31 January 1986, the separation authority directed Petitioner's command to reprocess Petitioner for administrative separation utilizing the administrative board

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

procedures for defective enlistment and induction due to fraudulent entry into the naval service and homosexuality as evidenced by her having engaged in, attempted to engage in or solicited another to engage in a homosexual act or acts. The separation authority noted in this message that Petitioner had elected to submit a statement in enclosure (6), but that no such statement was received with the processed case. See enclosure (8).

g. By memorandum dated 5 February 1986, Petitioner was formally renotified via the administrative board procedures that she was being considered for administrative discharge by reason of defective enlistment and induction due to fraudulent entry into the naval service and homosexuality. See enclosure (9).

h. On 6 February 1986, Petitioner acknowledged the notification referenced in paragraph 3g above and waived all of her rights with regard to the administrative board process. See enclosure (10).

i. By memorandum dated 11 February 1986, Petitioner's commander recommended that Petitioner be administratively separated from the Navy under honorable conditions with a general discharge due to defective enlistment and induction due to fraudulent entry in the naval service and homosexuality. See enclosure (11).

j. By message dated 26 February 1986, the separation authority directed that the Subject be discharged from the Navy under other than honorable (OTH) conditions due to homosexuality.¹ See enclosure (12).

k. On 6 March 1986, Petitioner was discharged from the Navy under OTH conditions due to homosexuality. See enclosure (3).

4. Conclusions.

a. In accordance with reference (c), the Board should normally grant requests to change the narrative reason for a discharge, requests to re-characterize the discharge to honorable, and/or requests to change the reentry code to an immediately-eligible-to-reenter category when both of 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 only one narrative reason for separation appears on her DD Form 214, Petitioner was processed and separated for both defective enlistment and induction due to fraudulent entry into the naval service and for homosexuality. Accordingly, Petitioner's case does not fall within the general guidance of reference (c).

b. In accordance with reference (d), the Board considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with

¹ Only one narrative reason for separation and separation code can appear on a DD Form 214. The separation authority specified that the Subject's DD Form 214 should include the code related to discharge for homosexuality rather than for defective enlistment and induction due to fraudulent entry, but she was processed for administrative separation upon both bases.

reference (d). 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 today would therefore reasonably expect to receive a more favorable outcome than Petitioner received; that Petitioner's performance and attitude was favorably described in her sole performance evaluation; that there was no other in-service misconduct in Petitioner's naval record; that Petitioner's concealed her sexual orientation for the noble purpose of volunteering to serve her Nation; and the passage of time since Petitioner's discharge. Based upon these factors, the Board determined that equitable relief is warranted in the interests of justice.

c. The Board also found an injustice in the fact that the narrative reason for separation reflected on Petitioner's DD Form 214 includes a reference to her sexual orientation. Due to the inclusion of this narrative reason for separation 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 Sailors are not required to reveal such personal information when providing evidence of their former military service. This constitutes an unreasonable burden and violation of Petitioner's privacy interests.

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 her service ending on 6 March 1986 was characterized as "Honorable"; that her narrative reason for separation was "Secretary Plenary Authority"; that her separation authority was "MILPERSMAN 3630900"; that her separation code was "JFF"; and that her reentry code was "RE-1."

b. That Petitioner be issued an Honorable Discharge Certificate.

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 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 (e).

7. Pursuant to the delegation of authority set out in reference (e), the corrective action described above has been approved by the Board on behalf of the Secretary of the Navy in accordance with reference (a).

6/27/2025

