



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

[REDACTED]
Docket No. 9107-25
Ref: Signature Date

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

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

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) SECNAVINST 5420.193, Board for Correction of Naval Records, 19 November 1997
(d) USD (P&R) Memo, subj: Correction of Military Records Following Repeal of Section 654 of Title 10, United States Code, 20 September 2011

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) Sworn Statement of [REDACTED], 6 April 1983
(5) Service School Command CO Memo, subj: Notification of administrative separation processing, 12 May 1983 (excerpt)
(6) Petitioner's Memo, subj: Statement of awareness and request for, or waiver of, privileges, – Administrative Board Procedure, *undated* (excerpt)
(7) Proceedings of an Administrative Discharge Board in the case of [Petitioner], 9 August 1983 (with Minority Report, 9 August 1983, and Petitioner's Counsel's Response, 12 July 1983)
(8) Service School Command CO Memo 3D20:PLJ:WPC-N2/57 1910 Ser-2615, subj: Recommendation for separation due to Homosexuality in the case of [Petitioner], 14 September 1983
(9) BUPERS Memo PERS 8322/NMPC 8322, subj: [Petitioner], 14 October 1983
(10) ASN (M&RA) Memo, subj: [Petitioner], 19 October 1983

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

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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 2 September 2025 in accordance with reference (c) 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 reference (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 Navy and commenced a period of active duty service on 10 October 1982. See enclosure (3).

b. On 6 April 1983, a fellow female trainee at the [REDACTED] provided a sworn statement to the Naval Investigative Service admitting that she engaged in homosexual activity with the Petitioner on a single occasion in February 1983. See enclosure (4).

c. By memorandum dated 12 May 1983, Petitioner was formally notified via the administrative board procedures that she was being processed for administrative discharge from the Navy by reason of homosexuality. See enclosure (5).

d. Petitioner acknowledged the notification referenced in paragraph 3c above and elected to exercise her right to an administrative discharge board hearing. See enclosure (6).

e. On 13 July 1983, an administrative discharge board convened to consider Petitioner's case. She testified under oath during this hearing and admitted to the homosexual conduct in question but insisted that she did not initiate the activity and consented to it only due to her intoxicated state. She also insisted that she was not homosexual. After considering all of the evidence and hearing all of the testimony, the administrative discharge board unanimously found that the preponderance of the evidence supported the allegation that Petitioner committed a homosexual act but recommended by a majority vote that she nonetheless be retained in the Navy.¹

¹ The dissenting member of the administrative discharge board provided the following statement (i.e., Minority Report):

I strongly believed that [Petitioner] should be discharged from the Navy with an Other than Honorable discharge. [Petitioner] freely engaged in a homosexual act for 20 minutes in a public area under military control. Twenty minutes is a very long time to engage in something that is not to one's taste. The Navy could justifiably do without a person who would repeatedly lie to the people she loves most: her mother, father, sisters and best friends.

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f. Despite the recommendation of the administrative discharge board that Petitioner be retained in the Navy despite her homosexual conduct, her commander continued to believe that she should be discharged. Accordingly, by memorandum dated 14 September 1983 he recommended that Petitioner be separated from the naval service with a general discharge.² See enclosure (8).

g. By memorandum dated 14 October 1983, the Chief of Naval Personnel (CNP) recommended to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)) that Petitioner be separated from the Navy for homosexuality with a Type Warranted by Service Record discharge.³ See enclosure (9).

h. By memorandum dated 19 October 1983, the ASN (M&RA) approved the CNP's recommendation that Petitioner be discharged for homosexuality and directed that her service be characterized as general (under honorable conditions). See enclosure (10).

i. On 15 November 1983, Petitioner was administratively separated from the Navy under honorable conditions with a general discharge for homosexuality. See enclosure (3).

4. Conclusion. In accordance with reference (d), 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) policy or a similar policy in place prior to enactment of DADT and (2) there were no aggravating factors in the record, such as misconduct. Reference (d) also provides that, although each request must be evaluated on a case-by-case basis, the award of an honorable or general discharge should normally be considered to indicate the absence of aggravating factors. Petitioner's discharge was based solely upon the Navy's policy predating DADT which prohibited homosexual conduct. She also received a general discharge, indicating the absence of aggravating factors in accordance with reference (d), and the

In response to this statement, Petitioner's counsel provided the following statement:

Note: there was no evidence presented at the hearing, none, suggesting that the respondent lied to anyone, much less the people she loved most. The respondent testified that "at most" the incident lasted 20 minutes. She did not affirmatively say that it did last 20 minutes. The respondent, understandably, had not given the caress-by-caress description of the incident to the people she loves most. She never withheld information or misrepresented information when asked about the incident.

² Petitioner's commander provided the following statement in support of this recommendation:

Although the Administrative Board, by a vote of two to one, recommended that [Petitioner] be retained in the naval service, the fact remains that [Petitioner] did engage in a homosexual act aboard the [REDACTED]. The homosexual act occurred in the laundry room of the Unaccompanied Enlisted Personnel Housing (UEPH) and involved another student. The laundry room is considered to be a public area for use by all occupants of the UEPH. There are indications that unless she had not been interrupted by the duty personnel, [Petitioner's] actions would not have been otherwise terminated and would have continued longer than twenty minutes. Due to that aggravating circumstance, it is recommended that she be separated from the naval service with a general discharge.

³ The ASN (M&RA) was the separation authority for the Subject's case due to the recommendation of the administrative discharge board that she be retained in the Navy.

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Board found no aggravating factors through its own review of Petitioner's naval record. To the contrary, the record of Petitioner's administrative discharge board revealed that she was well regarded and an otherwise good Sailor with a promising future. Accordingly, the Board determined that Petitioner's discharge characterization should be upgraded to honorable and her narrative reason for separation and reentry code should be changed to remove the stigma associated with her discharge.

5. Recommendation. Based upon its conclusion as discussed 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 15 November 1983 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.

7. The foregoing action of the Board is submitted for your review and action in accordance with Sections 6e(1)(c) and 6e(2)(a) of Enclosure (1) to reference (c).

8/19/2025

[REDACTED]
Executive Director

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

CSD Board Recommendation Approved (Grant Relief – I concur with the Board’s conclusions and therefore direct the corrective action recommended by the Board in paragraph 5 above.)

____ Board Recommendation Disapproved (Deny Relief – I do not concur with the Board’s conclusions. Specifically, I found that the circumstances of Petitioner’s homosexual conduct in a public area were sufficiently aggravating to remove her case from the general guidance of reference (d). Accordingly, I direct that no corrective action be taken on Petitioner’s naval record.)

[REDACTED]

Performing the Duties of the Assistant Secretary
of the Navy (Manpower and Reserve Affairs)

Date: 09 APR 2025