



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 9278-25

Ref: Signature Date

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

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

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) NAVMC 118 (12), Offense and Punishment, 4 November 1982
(5) Staff Judge Advocate Memo 1900 17:RLP:ph, subj: Review of proceedings for administrative discharge; case of [Petitioner], 10 March 1983
(6) Discharge Authority Action Memo 1900 17:RLP:ph, subj: Discharge Authority's Action; case of [Petitioner], 17 March 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 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 18 September 2025, and found sufficient evidence of an injustice warranting the corrective action recommended in paragraph 5 below.

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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. Marine Corps and began a period of active duty on 16 July 1980. See enclosure (3).
- b. Per a Staff Judge Advocate's review of Petitioner's case dated 10 March 1983, Petitioner was notified of the proposed discharge action and the specific basis for separation. After consulting with a Judge Advocate General, she exercised her right to appear before an administrative discharge board, which unanimously recommended that she be separated with a General (Under Honorable Conditions) (GEN) characterization of service. The Board further found that, during the period from October 1980 to 29 October 1981, Petitioner engaged in a homosexual relationship with another Marine, and that, according to a base psychologist's report, Petitioner made an admission regarding both pre-service and in-service homosexual conduct.¹ See enclosure (4).
- c. On 4 November 1982, Petitioner received nonjudicial punishment in violation of Articles 92 and 121, Uniform Code of Military Justice (UCMJ).² Her punishment consisted of the forfeiture of \$200 pay per month for two months and reduction in grade to E-3.³ See enclosure (5).
- d. By memorandum dated 17 March 1983, the separation authority directed that the Petitioner be discharged from the U.S. Marine Corps with a General (Under Honorable Conditions) (GEN) characterization of service by reason of homosexuality.⁴ See enclosure (6).
- e. On 25 March 1983, Petitioner was discharged with a GEN characterization of service. 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 similar policy in place prior to enactment of DADT, and (2) there were no aggravating factors in the record, such as misconduct. While the record contains an instance of additional misconduct—specifically, one nonjudicial punishment for violating a

¹ The Staff Judge Advocate reviewed the proceedings in Petitioner's case and found them to be sufficient in law and fact.

² Petitioner violated a lawful general order by having a knife on her possession and wrongfully appropriated five red military plastic award holders with the Marine Corps insignia.

³ The reduction in grade was suspended for six months.

⁴ Petitioner's record is incomplete in that it does not contain all of the documents pertinent to the administrative separation processing.

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general order and for wrongful appropriation—the Board determined that this did not constitute a separate basis for administrative processing. Rather, the separation was solely based on Petitioner's homosexual admission. Accordingly, the Board found Petitioner's case falls within the general guidance of reference (c).

b. In accordance with reference (d), 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 marks were well above those required for a fully honorable characterization of service, that although there was one nonjudicial punishment in Petitioner's record, she was solely discharged due to her sexuality. Additionally, The Board considered that Petitioner concealed her sexual orientation for the noble purpose of volunteering to serve her Nation and the passage of time since Petitioner's discharge. Based on 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 her narrative reason for separation, 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 Marines 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 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 25 March 1983 was characterized as "Honorable"; that her narrative reason for separation was "Secretary of the Navy Plenary Authority"; that her separation authority was "MARCORSEPMAN Par. 6214"; that her separation code was "JFF1"; and that her reentry code was "RE-1A."

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).

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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).

12/4/2025

