



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED]
Docket No. 9279-25
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]
XXX XX [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, 27 February 1989
(5) [REDACTED] CO Memo 1900 B200, subj: Notification of Separation Proceedings, 25 April 1989
(6) [Petitioner] Memo 1900 B200, subj: Acknowledgment of my rights to be exercised or waived in connection with separation proceedings, 25 April 1989
(7) [REDACTED] CO Memo 1900 B201, subj: Administrative Separation from the United States Marine Corps case of [Petitioner], April 1989
(8) Staff Judge Advocate Memo 1900 B120, subj: Recommendation for Administrative Discharge on [Petitioner], 23 May 1989
(9) Commanding General, Marine Corps Logistics Base, [REDACTED] Memo 1910 B120, First Endorsement on Enclosure (7), subj: Administrative Separation from the United States Marine Corps case of [Petitioner], 25 May 1989

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
XXX XX [REDACTED] USMC

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. 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 his naval record:

- a. Petitioner enlisted in the U.S. Marine Corps and began a period of active duty on 23 February 1987. See enclosure (3).
- b. On 27 February 1989, Petitioner received nonjudicial punishment in violation of Article 108, Uniform Code of Military Justice (UCMJ).¹ His punishment consisted of the forfeiture of \$200.00 pay per month for two months.² See enclosure (4).
- c. By memorandum dated 25 April 1989, Petitioner was formally notified that he was being considered for administrative separation from the Marine Corps by reason of homosexuality. See enclosure (5).
- d. On the same date, Petitioner acknowledged the notification referenced in paragraph 3c above and waived his procedural rights to consult with counsel and to an administrative discharge board hearing. See enclosure (6).
- e. By memorandum dated April 1989, Petitioner's commanding officer recommended reported that, on 9 November 1988, Petitioner provided a written statement to a naval investigator indicating that he had engaged in a sexual encounter with a person of the same sex at the age of 15 but had not engaged in any homosexual conduct during his enlistment. The commanding officer further noted that this initial statement was later determined to be a false official statement. On 13 March 1989, Petitioner submitted a subsequent statement acknowledging that he had, in fact, engaged in homosexual relations on approximately ten occasions during his period of service. In light of Petitioner's lack of candor and the inconsistencies between his statements, the commanding officer recommended he be discharged with a General (Under Honorable Conditions) characterization of service. See enclosure (7).
- f. By memorandum dated 23 May 1989, a Staff Judge Advocate's review of Petitioner's case found the proceedings to be sufficient in law and fact. See enclosure (8).

¹ Petitioner destroyed government property.

² The forfeitures were suspended for six months.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
XXX XX [REDACTED] USMC

g. By memorandum dated 25 May 1989, 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. See enclosure (9).

h. On 2 June 1989, 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 destroying government property—the Board determined that this did not constitute a separate basis for administration 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, he was solely discharged due to his sexuality; that Petitioner concealed his sexual orientation for the noble purpose of volunteering to serve his 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 his sexual orientation. Due to his narrative reason for separation, Petitioner must disclose personal information regarding his sexual orientation and/or previous sexual activity whenever he has cause to prove his 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 his service ending on 2 June 1989 was characterized as "Honorable"; that his narrative reason for separation was "Secretary of the Navy Plenary Authority"; that his separation authority was "MARCORSEPMAN Par. 6214"; that his separation code was "JFF1"; and that his reentry code was "RE-1A."

b. That Petitioner be issued an Honorable Discharge Certificate.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
XXX XX [REDACTED] USMC

- 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).

12/5/2025

