



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

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Docket No. 9461-25  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █  
XXX XX █ 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 4, Enlistment or Reenlistment Agreement – Armed Forces of the United States, 14 August 1978  
(4) NAVMC 118 (12), Offense and Punishment, 15 February 1980  
(5) █ CO Memo, subj: Notification of recommendation for administrative discharge by reason of unsuitability, 6 June 1980  
(6) First Endorsement on Enclosure (5) Petitioner's Memo, subj: Notification of recommendation for administrative discharge, 9 June 1980  
(7) █, CO Memo 1/PAB/rls 1900, subj: Recommendation for Unsuitability Discharge by reason of Homosexual and Aberrant Sexual Tendencies; case of [Petitioner], 31 July 1980  
(8) Petitioner's statement, 27 August 1980  
(9) United States Marine Corps Criminal Investigation Report, 5 November 1980  
(10) Headquarters United States Marine Corps Commandant of the Marine Corps Memo MMSR-3-sl, subj: Discharge; case of [Petitioner], 15 January 1981

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

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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 5 February 2026, 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 14 August 1978. See enclosure (3).

b. On 15 February 1980, Petitioner received nonjudicial punishment in violation of Article 86, Uniform Code of Military Justice (UCMJ)<sup>1</sup>. His punishment consisted of forfeiture of \$200.00 pay per month for two months, reduction to paygrade E-2, and 30 days of extra duties. See enclosure (4).

c. By memorandum dated 6 June 1980, Petitioner was formally notified that he was being considered for administrative separation from the Marine Corps by reason of homosexual/abhorrent tendencies. See enclosure (5).

d. On 9 June 1980, 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 31 July 1980, Petitioner's commanding officer recommended Petitioner be discharged from the Marine Corps by reason of homosexuality. See enclosure (7).

f. On 27 August 1980, Petitioner provided a statement admitting to homosexual conduct. See enclosure (8).

g. A criminal investigation report dated 5 November 1980, reflects that an investigation was initiated after Petitioner stated he was homosexual and requested a discharge from the Marine Corps. See enclosure (9)

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<sup>1</sup> Petitioner was in an unauthorized absence status from his appointed place of duty for 1 hour and 31 minutes.

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h. Ultimately, 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.<sup>2</sup> See enclosure (10).

#### 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 a period of unauthorized absence—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 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. Headquarters Marine Corps is directed to confirm Petitioner’s actual date of discharge and to issue a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting an Honorable characterization of service; a narrative reason for separation of “Directed by the Secretary of the Navy to correct official records”; a separation authority of “MARCORSEPMAN 6012.1g;” a separation program designator code of “JFF2;” and a reentry code of “RE-1A.”

b. That Petitioner be issued an Honorable Discharge Certificate.

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<sup>2</sup> Petitioner’s service record does not contain a Certificate of Release or Discharge from Active Duty (DD Form 214). Accordingly, the exact date of discharge cannot be confirmed from the available record.

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- 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).

3/5/2026

