



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

█
Docket No. 10948-25

Ref: Signature Date

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █, USN, XXX-XX-█

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) NAVPERS 1070/607, Court Memorandum, 23 August 1989
(5) █ Message, subj: Recommendation for admin separation by reason of defective enlistment and induction due to fraudulent entry into the naval service by reason of failure to disclose preservice homosexual acts at the time of enlistment, by reason of homosexuality due to member engaging in, attempting to engage in or soliciting another member engaging in a homosexual act or acts and misconduct due to commission of a serious offense, 18 March 1991
(6) █ CO Memo 1910 █, subj: Notice of an administrative board procedure proposed action, 15 March 1991
(7) Petitioner's Memo, subj: Statement of awareness and request for, or waiver of, privileges, 15 March 1991
(8) █ Message, subj: Admin Discharge ICO [Petitioner] dtg 251839Z MAR 91

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 22 January 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. Navy and began a period of active duty on 11 July 1988. See enclosure (3).

b. On 23 August 1989, Petitioner received nonjudicial punishment (NJP) in violation of Articles 86 and 107, Uniform Code of Military Justice (UCMJ).¹ His punishment consisted of reduction to paygrade E-3. See enclosure (4).

c. Message dated 18 March 1991 indicates that, on 26 February 1991, Petitioner provided a sworn statement to the Naval Investigative Service admitting to homosexual conduct. See enclosure (5).

d. By memorandum dated 15 March 1989, Petitioner was formally notified that he was being considered for administrative discharge by reason of defective enlistment and induction due to fraudulent entry into the naval service by reason of failure to disclose preservice homosexual acts, by reason of homosexuality, and the commission of a serious offense. See enclosure (6).

e. On the same date, Petitioner acknowledged the notification and waived his procedural right to consult with counsel and to have his case heard before an administrative discharge board. See enclosure (7).

f. By message dated 25 March 1991, the separation authority directed Petitioner's discharge from the Navy by reason of homosexuality, with an other than honorable (OTH) characterization of service. See enclosure (8).

g. On 5 April 1991, Petitioner was discharged from the Navy under OTH conditions due to homosexuality. See enclosure (3).

¹ Petitioner was in an unauthorized absence status for one and one-half hour and for making a false official statement with intent to deceive.

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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 unauthorized absence and false official statement—the Board determined that this did not constitute a separation basis for administrative processing. Rather, the separation was solely based on Petitioner's sexuality. 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; 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 Service members 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.

d. With regard to Petitioner's request for inclusion of awards and decorations earned while serving aboard [REDACTED], the Board will direct NPC to review Petitioner's record and add any applicable awards to his DD Form 214.

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 5 April 1991 was characterized as "Honorable"; that his narrative reason for separation was "Secretary Plenary Authority"; that his separation authority was "MILPERSMAN 3630900"; that his separation code was "JFF"; and that his reentry code was "RE-1."

b. That NPC scrub Petitioner's record for any authorized awards. If Petitioner is found to have earned any additional awards, these awards are to be added to his DD Form 214.

c. That Petitioner be issued an Honorable Discharge Certificate.

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- d. That a copy of this record of proceedings be filed in Petitioner's naval record.
- e. 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).

2/11/2026

