



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

2. A three-member panel of the Board, meeting in executive session, conducted an individualized review of the Subject's naval record on 13 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 30 July 2007. See enclosure (3).

b. On 4 February 2008, Petitioner received nonjudicial punishment (NJP) in violation of Article 121, Uniform Code of Military Justice (UCMJ).<sup>1</sup> His punishment consisted of the forfeiture of \$650.00 pay per month for two months, reduction to paygrade E-1, and 45 days of restriction and extra duties. See enclosure (4).

c. On 26 February 2008, Petitioner provided a voluntary statement admitting to homosexuality. See enclosure (5).

d. By memorandum dated 3 March 2008, Petitioner was formally notified that he was being considered for administrative discharge by reason of homosexual conduct. On 4 March 2008, 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 (6).

e. By memorandum dated 5 March 2008, Petitioner's commanding officer recommended Petitioner be discharged with a general (under honorable conditions) (GEN) characterization of service by reason of homosexual conduct. See enclosure (7).

f. By message dated 10 March 2008, the separation authority directed Petitioner's discharge from the Navy by reason of homosexual admission, with a general (under honorable conditions) (GEN) characterization of service. See enclosure (8).

g. On 1 April 2008, Petitioner was discharged from the Navy under general (under honorable conditions) (GEN) conditions due to homosexual admission. 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 larceny—the

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<sup>1</sup> Petitioner committing larceny of a trans-dock iPod from the Navy Exchange.

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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 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.

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 1 April 2008 was characterized as "Honorable"; that his narrative reason for separation was "Secretarial Authority"; that his separation authority was "MILPERSMAN 1910-164"; that his separation code was "JFF"; and that his 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. 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