



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

█
Docket No. 11210-25

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, █ [PRESENTLY █]

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) U.S. Naval Investigative Service Report of Investigation, 14 November 1988
(5) NAVPERS 1070/607, Court Memorandum, 24 May 1989
(6) NAVPERS 1070/607, Court Memorandum, 21 August 1989
(7) █ (█) CO Memo 1910 █/21:k, subj: Notice of an administrative board procedure proposed action, 21 August 1989
(8) Petitioner Memo, subj: Statement of awareness and request for, or waiver of privileges, 1 September 1989
(9) Administrative board worksheet of findings and recommendation, *undated* (excerpt)
(10) █ (█) CO Memo 1910 █/21:b Ser9434, subj: [Petitioner]; Recommendation for separation due to defective enlistment and induction due to fraudulent entry into the naval service; homosexuality as evidenced by engaging in a homosexual act; and misconduct as evidenced by the commission of a serious offense, *undated* (excerpt)
(11) COMNAVPERS Message, subj: Admin Proceedings ICO [Petitioner] dtg 181848Z NOV 89
(12) Superior Court of █ Decree Changing Name, 15 March 2024
(13) State of █ License and Certificate of Marriage, 23 March 2017

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[REDACTED], USN, [REDACTED] [PRESENTLY [REDACTED]]

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 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 17 May 1988. See enclosure (3).

b. On 23 May 1989, a report of investigation was completed concerning allegations that Petitioner was an active homosexual and had relations with another military members. The report concluded that Petitioner admitted to being a homosexual but denied having engaged in a relationship with other military members. See enclosure (4).

c. On 24 May 1989, Petitioner received nonjudicial punishment (NJP) in violation of Article 83, Uniform Code of Military Justice (UCMJ).¹ His punishment consisted of the forfeiture of \$391.00 pay per month for two months, reduction in paygrade to E-2, and 60 days of restriction. See enclosure (5).

d. On 21 August 1989, Petitioner received a second nonjudicial punishment (NJP) in violation of Articles 86, 125 and two specifications of 134, Uniform Code of Military Justice (UCMJ).² His punishment consisted of the forfeiture of \$349.00 pay per month for two months, reduction in paygrade to E-1, and 45 days of restriction. See enclosure (6).

e. By memorandum dated 21 August 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; homosexuality, and commission of a serious offense. See enclosure (7).

¹ Petitioner was found guilty at NJP of fraudulent enlistment.

² Petitioner was found guilty at NJP of failing to go to his appointed place of duty, sodomy, false swearing, and breaking restriction.

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f. On 1 September 1989, Petitioner acknowledged the notification referenced in paragraph 3e above and waived his procedural right to have his case heard before an administrative discharge board after consulting with counsel. See enclosure (8).

g. On 6 October 1989, an administrative discharge board was convened to consider Petitioner's case. After considering all of the evidence and hearing all of the testimony, the administrative discharge board unanimously found that the preponderance of the evidence supported the allegations that Petitioner committed a fraudulent enlistment and induction due to fraudulent entry into the naval service; homosexuality; and commission of a serious offense. By a vote of 3 to 0, the discharge board recommended he be discharged from the Navy with an other than honorable (OTH) characterization of service.³ See enclosure (9).

h. In an undated memorandum, Petitioner's commanding officer concurred with the administrative discharge board's recommendation that Petitioner be administratively separated from the Navy with an other than honorable (OTH) discharge. See enclosure (10).

i. By message dated 18 November 1989, the separation authority directed that the Petitioner be discharged from the Navy with a type warranted by service record characterization of service by reason of homosexuality, and on 19 November 1989, he was discharged with a general (under honorable conditions) characterization of service.⁴ In this regard, Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) under the name he used while serving in the Navy. Specifically, "[REDACTED]." See enclosures (3) and (11).

j. After discharge from the Navy Petitioner was married.⁵ On 15 March 2024, Petitioner had his name legally changed from "[REDACTED]" to "[REDACTED]". See enclosure (12).

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. Petitioner, however, was not discharged solely due to his homosexuality. Although only one narrative reason for separation appears on his DD Form 214, Petitioner was processed for separation on the bases of fraudulent enlistment and induction due to fraudulent entry into the naval service, homosexuality, and commission of a serious offense. Accordingly, the case does not fall within the general guidance of reference (c).

³ Although the administrative board worksheet of findings and recommendations does not reflect the date of the board proceedings, this information is documented in the in the Record of Proceedings.

⁴ Only one narrative reason for separation and separation code can appear on a DD Form 214. The separation authority specified that Petitioner's DD Form 214 should include the code related to discharge for homosexuality rather than for defective enlistment and induction due to fraudulent entry into the naval service and commission of a serious offense, but he was processed for administrative separation upon all three bases.

⁵ Petitioner submitted a State of [REDACTED] marriage license and certificate of marriage. The name change decree reflects that, at the time Petitioner filed the name change application, his last name was [REDACTED]"

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b. In accordance with reference (d), the Board considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with reference (d). In this regard, 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 are two instances of misconduct—specifically, two nonjudicial punishments in Petitioner’s record, that the primary basis for Petitioner’s discharge was 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 on his DD Form 214, 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 19 November 1989 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”; that his reentry code was “RE-1;” and that his name was “[REDACTED].”

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).

2/11/2026

