



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

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ARLINGTON, VA 22204

█
Docket No. 12268-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █
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 214
(4) NAVMC 118 (12), Offense and Punishment, 16 January 1987
(5) Acknowledgment of Suspect's Rights, *undated*
(6) Marine Corps Administrative Detachment █ CO Memo 1900 DMJ:dml, subj: Notification of separation proceedings, 29 January 1987
(7) Petitioner's Memorandum 1900 NWJ:dml, subj: Separation proceedings; acknowledgment of my rights to be exercised or waived, 29 January 1987
(8) Marine Corps Administrative Detachment █ CO Memo 1900 DMJ:dml, subj: [Petitioner] Administrative discharge proceedings, 30 January 1987
(9) Marine Corps █, Deputy SJA Memo 1910 9A, subj: Staff Judge Advocate's review of administrative separation proceedings in the case of [Petitioner], 26 February 1987
(10) First Endorsement on Enclosure (9), CG Memo 1910.7 9A, subj: Recommendation for administration separation in the case of [Petitioner], █

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 her naval record:

a. Petitioner enlisted in the U.S. Marine Corps and began a period of active duty on 6 February 1985. See enclosure (3).

b. On 16 January 1987, Petitioner received nonjudicial punishment in violation of Article 86, Uniform Code of Military Justice (UCMJ)¹. Her punishment consisted of forfeiture of \$200.00 pay per month for one month and 14 days of restriction. See enclosure (4).

c. By an undated acknowledgment of suspect's rights, Petitioner admitted to homosexual and bisexual conduct. See enclosure (5).

d. By memorandum dated 29 January 1987, Petitioner was formally notified that she was being considered for administrative separation from the Marine Corps by reason of homosexuality and commission of a serious offense.² See enclosure (6).

e. On the same date, Petitioner acknowledged the notification referenced in paragraph 3d above and waived her procedural rights to consult with counsel and to an administrative discharge board hearing. See enclosure (7).

f. By memorandum dated 30 January 1987, Petitioner's commanding officer recommended Petitioner be discharged from the Marine Corps by reason of homosexuality and commission of a serious offense. See enclosure (8).

g. On 26 February 1987, a staff judge advocate's review of Petitioner's case found the proceedings to be sufficient in law and fact. See enclosure (9).

¹ Petitioner was in an unauthorized absence status from her appointed place of duty for 6 hours and 40 minutes.

² The administrative separation proceedings notification reflect that the stated bases for the recommendation included violations of Article 125, UCMJ (Sodomy), and Article 134, UCMJ (Indecent Acts with Another), as supported by Petitioner's self-admission.

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h. On 2 March 1987, 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.³ See enclosure (10).

i. On 13 March 1987, Petitioner was discharged from the Marine Corps with a GEN characterization of service due to homosexuality. 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 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 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, she was solely discharged due to her 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 her sexual orientation. Due to her narrative reason for separation, Petitioner must disclose personal information regarding her sexual orientation and/or previous sexual activity whenever she has cause to prove her 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 Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting that her service ending on 13 March 1987 was characterized as

³ 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 the commission of a serious offense, but she was processed for administrative separation upon both bases.

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“Honorable”; that her narrative reason for separation was “Secretary of the Navy Plenary Authority;” that her separation authority was “MARCORSEPMAN par. 6214”; that her separation program designator code was “JFF1”; and that her reentry code was “RE-1A.”

- 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).

3/5/2026

