



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 1938-26
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) Service School Command, Naval Training Center Great Lakes CO Memo ██████████, subj: Administrative Discharge; notice of processing for, ██████████
(5) Petitioner's Memo, subj: Statement of awareness and request, or waiver of, privileges, ██████████
(6) Memorandum of Agreement between respondent and commanding officer to waive administrative discharge board and to accept an administrative discharge under honorable conditions, ██████████
(7) NAVJAG Form 5810/10, Suspect's rights acknowledgment/statement, ██████████
(8) Service School Command, Naval Training Center Great Lakes CO Memo ██████████, subj: [Petitioner]; recommendation for discharge by reason of misconduct because of fraudulent enlistment (pre-service homosexual acts), ██████████

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

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 19 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. Navy and began a period of active duty on 25 June 1979. See enclosure (3).

b. By memorandum dated [REDACTED], Petitioner was formally notified that he was being considered for administrative discharge by reason of misconduct because of fraudulent enlistment pre-service homosexual acts. See enclosure (4).

c. On the same date, Petitioner acknowledged the notification referenced in paragraph 3b above and elected his procedural rights to consult with counsel and to have his case heard before an administrative discharge board. See enclosure (5).

d. On [REDACTED], after consulting with qualified counsel, Petitioner executed a written memorandum of agreement waiving his right to an administrative discharge board and agreeing to accept an administrative discharge characterized as General (Under Honorable Conditions) (GEN). See enclosure (6).

e. On 27 November 1979, Petitioner was interviewed and admitted to homosexual conduct. See enclosure (7).

f. By memorandum dated [REDACTED], Petitioner's commanding officer recommended he be discharged by reason of fraudulent enlistment, specifically pre-service homosexual acts, with a GEN characterization of service. See enclosure (8).

g. On 28 December 1979, Petitioner was discharged from the Navy with a General (Under Honorable Conditions) (GEN) characterization of service.¹ See enclosure (3).

4. Conclusions.

¹ Petitioner's DD Form 214 did not reflect his characterization of service, narrative reason for separation, separation authority, or separation code. On 23 January 1980, Petitioner was issued a Correction to DD Form 214, Report of Separation from Active Duty (DD Form 215), which amended his record to reflect a characterization of service as general (under honorable conditions), a narrative reason for separation as "Misconduct-Fraudulent Enlistment," and the corresponding separation authority and separation code.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

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. The record contains no indication of misconduct or aggravating factors that would warrant administrative processing. Rather, the record indicates 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 there was no other in-service misconduct in Petitioner's naval record; 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 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 28 December 1979 was characterized as "Honorable"; that his narrative reason for separation was "Separation for other good and sufficient reason when determined by the Secretary of the Navy"; that his separation authority was "BUPERSMAN 3850220"; 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).

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, XXX-XX-[REDACTED]

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).

3/6/2026

