



Docket No. 2998-26
Ref: Signature Date

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

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

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) OPNAV 5527/2, Voluntary Statement, 19 February 1999

(5) NAVPERS 1070/607, Court Memorandum, 5 March 1999

(6) [REDACTED] CO Memo, subj: Administrative Separation Processing Notice – Administrative Board Procedure, 8 March 1999

(7) COMNAVMIIPERSCOM Message, subj: Admin Disch ICO [Petitioner] dtg 251839Z MAR 99

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 11 March 2026, and found sufficient

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

[REDACTED], USN, XXX-XX-[REDACTED]

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. Navy and began a period of active duty on 13 August 1998. See enclosure (3).

b. On 19 February 1999, Petitioner provided a statement admitting to bisexuality. See enclosure (4).

c. On 5 March 1999, Petitioner received nonjudicial punishment (NJP) in violation of Articles 92 and 134, Uniform Code of Military Justice (UCMJ).¹ Her punishment consisted of 45 days of restriction and extra duties, forfeiture of \$537.90 pay per month for one month, and reduction in paygrade to E-1.² See enclosure (5).

d. On 8 March 1999, Petitioner was formally notified that she was being considered for administrative discharge from the Navy by reason of homosexual conduct. Petitioner acknowledged the notification and waived her procedural rights to consult with counsel and to have her case heard before an administrative discharge board. See enclosure (6).

e. Ultimately, the separation authority directed that the Petitioner be discharged from the Navy under other than honorable (OTH) conditions by reason of homosexual conduct acts. See enclosure (7).

f. On 2 April 1999, Petitioner was discharged from the Navy with an OTH by reason of homosexual acts. 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 failure to obey a lawful order or regulation and engaging in indecent acts with another individual—the Board determined that Petitioner's administrative separation was predicated on her admission of bisexuality. Accordingly, the Board found Petitioner's case falls within the general guidance of reference (c).

¹ Petitioner violated a lawful order or regulation and engaged in indecent acts with another individual.

² Petitioner's awarded reduction in paygrade was suspended for a period of six months.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

[REDACTED], USN, XXX-XX-[REDACTED]

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, 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 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 her service ending on 2 April 1999 was characterized as "Honorable"; that her narrative reason for separation was "Secretarial Authority"; that her separation authority was "MILPERSMAN 1910-164"; that her separation code was "JFF"; and that her 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).

4/3/2026

