



Docket No. 3645-26
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF
USN [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) NAVPERS P601/7R, Court Memorandum, 03 October 1985

(5) NAVPERS P601/7R, Court Memorandum, 17 October 1985

(6) [REDACTED] Message, subj: [Petitioner] Recommendation for Admin Separation by Reason of Misconduct dtg 091740Z DEC 85

(7) Petitioner's statement, 26 November 1985

(8) Transient Personnel Unit Naval Station [REDACTED] CO Memo CO/TPU:fee 1900, subj: Notice of administrative board proposed action, 26 November 1985

(9) Petitioner's Memo, subj: Statement of awareness and request for, or waiver of, privileges, 26 November 1985

(10) COMNAVMILPERSCOM Message, subj: Admin Disch ICO [Petitioner] dtg 091929Z JAN 86

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)

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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 2 April 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 4 May 1983. See enclosure (3).

b. On 3 October 1985, Petitioner received nonjudicial punishment (NJP) in violation of Article 80, Uniform Code of Military Justice (UCMJ).¹ His punishment consisted of forfeiture of \$340.00 pay per month for two months, 45 days of restriction and extra duty, and reduction to paygrade E-2. See enclosure (4).

c. On 17 October 1985, Petitioner received a second NJP in violation of Article 86, UCMJ.² His punishment consisted of reduction to paygrade E-1. See enclosure (5).

d. On 7 November 1985, Petitioner received a third NJP in violation of two specifications of Article 134, UCMJ.³ His punishment consisted of 60 days of restriction. See enclosure (6).

e. On 26 November 1985, Petitioner provided a written statement admitting to engaging in homosexual conduct. See enclosure (7).

f. On 26 November 1985, Petitioner was formally notified that he was being considered for administrative discharge from the Navy by reason of homosexuality. See enclosure (8).

g. On the same date, Petitioner acknowledged the notification referenced in paragraph 3f above and waived his procedural rights to consult with counsel and to have his case heard before an administrative discharge board. See enclosure (9).

h. On 9 January 1986, the separation authority directed that the Petitioner be discharged from the Navy with an other than honorable (OTH) characterization of service by reason of homosexuality. See enclosure (10).

i. On 14 January 1986, Petitioner was discharged from the Navy with an under other than honorable (OTH) characterization of service due to homosexuality. See enclosure (3).

¹ Petitioner attempted to prevent the apprehension and punishment of another individual by advising that individual on methods to flush his system.

² Petitioner failed to go at the time prescribed to his appointed place of duty.

³ Petitioner engaged in homosexual acts with another onboard a naval vessel.

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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, three nonjudicial punishments—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 although there was one nonjudicial punishment in Petitioner's record, he was solely discharged due to 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, 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 14 January 1986 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"; 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).

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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).

4/6/2026

