



Work-Product

**UNITED STATES AIR FORCE  
BOARD FOR CORRECTION OF MILITARY RECORDS**

**ADDENDUM TO RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2001-03125-2

*Work-Product*

**COUNSEL:** NONE

**HEARING REQUESTED:** YES

**APPLICANT'S REQUEST**

The Board reconsider her request to upgrade her uncharacterized entry level discharge to Honorable, based on the repeal of Title 10, United States Code, Section 654 (10 U.S.C. § 654), the law commonly known as "Don't Ask, Don't Tell" (DADT).

**RESUME OF THE CASE**

The applicant is a former Air Force airman basic (E-1).

On 25 Mar 98, the applicant's commander recommended the applicant be discharged from the Air Force under the provisions of AFD 36-32, *Administrative Discharge Procedures*, and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.36.2.2. The specific reasons for the action were: she made statements that she was a bisexual or words to that effect and she requested to be discharged from the Air Force on the basis of homosexual conduct.

On 2 Apr 98, the Assistant Staff Judge Advocate found the discharge action legally sufficient.

On 2 Apr 98, the commander approved the discharge and directed the applicant be discharged with an Entry Level Separation based on homosexual conduct.

On 16 Apr 98, the applicant received an uncharacterized, character of service, Entry Level Separation. Her narrative reason for separation is homosexual admission. She was credited with 4 months and 22 days of total active service.

On 5 Feb 02, the Board considered and denied her request to change her discharge to General, Under Honorable Conditions; finding insufficient evidence of error or injustice. The Board did not find persuasive evidence that the applicant was denied rights to which entitled, appropriate regulation were not followed, or appropriate standards were not applied.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit E.

On 30 Jan 24, the applicant requested reconsideration of her request. In this request, the applicant requests her discharge characterization be changed to honorable under the repeal of DADT.

For more information, see excerpt of the applicant's record at Exhibit F.

*Work-Product*

**AFBCMR Docket Number BC-2001-03125-2**

*Work-Product*

## APPLICABLE AUTHORITY/GUIDANCE

On 20 Sep 11, with the repeal of the law commonly known as DADT, 10 U.S.C. § 654, the Department of Defense (DoD) issued supplemental policy guidance on correcting military records of former service members who had been discharged under that law or a precursor. The guidance applied to the following types of requests: changing the narrative reason for a discharge; re-characterizing service as honorable; changing a reentry code to one allowing immediate eligibility to reenter service. The guidance directed that such requests should normally be granted when both of the following conditions are true: (1) the original discharge was based solely on DADT or a similar policy in place prior to enactment of DADT; and (2) there were no aggravating factors in the record, such as misconduct. For meritorious cases, the guidance further directed the use of “Secretarial Authority” as the new narrative reason for separation, with Separation Program Designator (SPD) code “JFF” and reentry code “1J.” In addition, the guidance noted that while each request must be evaluated individually, an honorable or under honorable conditions (general) discharge should normally be considered to indicate the absence of aggravating factors. Finally, the issuance of a discharge under DADT or the taking of an action pursuant to DoD regulations related to a discharge under DADT should not by itself be considered to constitute an error or injustice that would invalidate an otherwise proper action taken pursuant to DADT and applicable DoD policy. Thus, remedies such as correcting a record to reflect continued service with no discharge, restoration to a previous grade or position, credit for time lost, or an increase from no separation pay to half or full separation pay or from half separation to full separation pay, would not normally be appropriate.

The entire guidance can be found at Exhibit G.

AFI 36-3208, *Military Separation of Airmen*, dated 14 Oct 94, describes the authorized service characterizations that were applicable at the time of the applicant’s separation.

**Entry Level Separation.** Airmen are in entry level status during the first 180 days of continuous active military service or the first 180 days of continuous active military service after a break of more than 92 days of active service. Determine the member’s status by the date of notification; thus; if the member is in entry level when initiating the separation action, describe it as an entry level separation unless:

- A service characterization of under other than honorable conditions is authorized under the reason for discharge and is warranted by the circumstances of the case; or
- The Secretary of the Air Force determines, on a case-by-case basis, that characterization as honorable is clearly warranted by unusual circumstances of personal conduct and performance of military duty. The separation authority will forward a recommendation for an honorable characterization to HQ AFMPC/DPMARS2, 550 C Street West, Ste 11, Randolph AFB, TX 78150-4713, for review and further processing. Use this characterization if the reason for separation is:
  - A change in military status according to chapter 2; or
  - For the convenience of the government according to chapter 3; or
  - For disability according to AFI 36-3902 (formerly AFR 35-4); or

- Directed by the Secretary of the Air Force according to paragraph 1.2.

**Honorable.** The quality of the airman's service generally has met the Department of the Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate.

### **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the DADT guidance to the applicant on 8 Oct 24 for comment (Exhibit H), but has received no response.

### **FINDINGS AND CONCLUSION**

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is the victim of an error or injustice. The Board finds a preponderance of the evidence substantiates the applicant's contentions in part. While the Board finds no error in the original discharge process, the Board recommends partial relief based on the repeal of 10 U.S.C. § 654. The absence of aggravating factors in the applicant's record meets the criteria of the DoD policy on records correction following the repeal of DADT. Accordingly, the Board recommends the applicant's narrative reason for separation and separation code be changed. However the Board finds insufficient evidence to warrant upgrading her entry level separation to an honorable discharge given her very limited active duty service. In this respect, the Board finds the applicant's uncharacterized service based on entry level separation is correct per Air Force policy. Therefore, the Board recommends correcting the applicant's record as indicated below.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

### **RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show the DD Form 214, *Certificate of Release or Discharge from Active Duty*, issued in conjunction with her 16 Apr 98 discharge be amended to reflect she was discharged with a Separation Code of JFF, a Narrative Reason of Separation of Secretarial Authority, and a Reentry code of 1J.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

**CERTIFICATION**

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2001-03125-2 in Executive Session on 7 Aug 25:

Work-Product	Panel Chair
Work-Product	Panel Member
Work-Product	Panel Member

All members voted to correct the record. The panel considered the following:

- Exhibit E: Record of Proceedings, w/ Exhibits A-D, dated 21 Jan 02.
- Exhibit F: Application, DD Form 149, w/atchs, dated 30 Jan 24.
- Exhibit G: DoD Policy on Repeal of DADT, 20 Sep 11.
- Exhibit H: Letter, SAF/MRBC, dated 15 Oct 24.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

9/16/2025

<b>X</b>	Work-Product
----------	--------------

Work-Product

Board Operations Manager, AFBCMR  
Signed by: USAF