



UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02320

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

His DD Form 214, *Report of Separation from the Armed Forces of the United States*, dated 8 April 1955, be corrected based on the repeal of Section 654 of Title 10, United States Code to reflect:

- a. Character of Service: honorable rather than undesirable.
- b. His Reenlistment Eligibility code be updated to reflect "1J" which denotes "Eligible to reenlist but elects separation."
- c. Reason and Authority: AFR 35-66, *Military Personnel, Discharge of Homosexuals*, to "Secretarial Authority" with the corresponding separation code of JFF.
- d. No remarks indicating his record was corrected.

APPLICANT'S CONTENTIONS

His discharge is unjust. The sole reason for his discharge was passive participation in a homosexual act. He further states, there are no aggravating factors alleged in his discharge paperwork. His service record otherwise reflects good marks.

The applicant provided a copy of his DD Form 214; Report of Board Proceedings AFR 35-66, dated 24 February 1955; SAF/PC Separation Memorandum, dated 21 March 1955; a character reference letter, dated 29 August 2022; and a copy of a similar AFBCMR case (BC-2014-01955) with similar circumstances.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The following information was provided by the applicant:

The applicant is a former Air Force airman third class.

On 24 February 1955, the applicant's commander recommended the applicant be discharged from the Air Force under the provisions of AFR 35-66. The specific reason for the action shows the applicant was the passive participant in at least two homosexual acts.

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On 21 March 1955, upon recommendation of the Air Force Personnel Board, the Secretary of the Air Force directs that the applicant be administratively discharged under the provisions of AFR-35-66 and issued an undesirable discharge.

On 8 April 1955, the applicant received an undesirable discharge. He was credited with 2 years, 1 month, and 14 days of total active service.

For more information, see AFR 35-66, dated 31 May 1954, at Exhibit B and the DADT Under Secretary of Defense Memo, dated 20 September 2011, at Exhibit C.

APPLICABLE AUTHORITY/GUIDANCE

On 20 September 2011, with the repeal of the law commonly known as “Don’t Ask, Don’t Tell” (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.” Finally, 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.

The complete DoD policy is at Exhibit C.

APPLICANT’S REVIEW OF APPLICABLE AUTHORITY/GUIDANCE

The Board sent a copy of the DoD policy to the applicant on 2 December 2022 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application is timely.
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 injustice. While the Board finds no error in the original discharge process, the Board recommends 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. Therefore, the Board recommends correcting the applicant’s record as indicated below.

RECOMMENDATION

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The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show the DD Form 214, *Report of Separation from the Armed Forces of the United States*, issued on 8 April 1955, be amended to reflect he was discharged with service characterized as honorable, a Separation Code of JFF, a Narrative Reason for Separation of Secretarial Authority, and a Reentry code of 1J.

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-2022-02320 in Executive Session on 31 August 2023:

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 A: Application, DD Form 149, w/atchs, dated 29 August 2022.

Exhibit B: AFR 35-66, Military Personnel Discharge of Homosexuals, 31 May 1954.

Exhibit C: DoD Policy on Correcting Military Records after Repeal of DADT, 20 September 2011.

Exhibit D: Notification of DoD Policy, SAF/MRBC to applicant, dated 2 December 2022.

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.

8/26/2025

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Board Operations Manager, AFBCMR

Signed by: Work-Product

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