



**CUI//SP-MIL/SP-PRVCY**

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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2022-02488

*Work-Product*

**COUNSEL:** NONE

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**APPLICANT'S REQUEST**

Her DD Form 214, *Certificate of Release or Discharge from Active Duty*, be updated based on the repeal of Title 10, United States Code, Section 654 (10 U.S.C. § 654).

**APPLICANT'S CONTENTIONS**

Her DD Form 214 should be corrected to remove the Narrative Reason for Separation: *Admitted Homosexual or Bisexual*, and all corresponding codes. Prior to the repeal of Don't Ask Don't Tell (DADT), servicemembers were not allowed to be gay in the military. There is a stigma tied to sexual orientation that does not need to be publicized to any organization that sees her DD Form 214.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is an honorably discharged sergeant (E-4).

On 15 Sep 83, according to DD Form 214, the applicant entered her second period of active service in the Regular Air Force.

On 4 Oct 85, the applicant's commander notified her he was recommending she be honorably discharged from the Air Force for homosexuality under the provisions of AFR 39-10, *Administrative Separation of Airmen*, paragraph 5-35. The reason for the commander's action was the applicant admitted to being a homosexual.

On 4 Oct 85, the applicant acknowledged receipt of the discharge notification and offered a conditional waiver contingent on receipt of no less than an honorable discharge.

On 21 Oct 85, the Judge Advocate found the discharge legally sufficient and informed the discharge authority he may reject the applicant's conditional waiver or accept the conditional waiver and honorably discharge the applicant.

On 30 Oct 85, according to DD Form 214, the applicant received an honorable discharge. Her separation code and corresponding narrative reason for separation is HRB, *Admitted Homosexual or Bisexual*; and her reentry code is 2C, *Involuntarily separated with an honorable discharge; or entry level separation without characterization of service*. She was credited with 2 years, 1 month, and 15 days of net active service for this period; and 3 years and 11 months of prior active service, for a total of 6 years and 15 days of total active service.

Controlled by: SAF/MRB  
CUI Categories: SP-MIL/SP-PRVCY  
Limited Dissemination Control: N/A  
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For more information, see the excerpt of the applicant’s record at Exhibit B and the Department of Defense (DoD) Policy at Exhibit C.

**APPLICABLE AUTHORITY/GUIDANCE**

On 20 Sep 11, with the repeal of the law commonly known as “Don’t Ask, Don’t Tell” (DADT), 10 U.S.C. § 654, 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 AIR FORCE EVALUATION**

The Board sent a copy of the DoD Policy to the applicant on 6 Feb 23 for comment (Exhibit D) 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 injustice. 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 records as indicated below.

**RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that DD Form 214, issued in conjunction with her 30 Oct 85 discharge be amended to reflect she was discharged with a reentry code of 1J and a separation code and corresponding narrative reason for separation of JFF, *Secretarial Authority*.

**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-2022-02488 in Executive Session on 20 Jul 23:

- 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 18 Aug 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: DoD Policy on Correcting Military Records after Repeal of DADT, dated 20 Sep 11.
- Exhibit D: Notification of DOD Policy, SAF/MRBC to applicant, dated 6 Feb 23.

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.

12/15/2023

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*Work-Product*

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Board Operations Manager, AFBCMR

Signed by: *Work-Product*