

**UNITED STATES AIR FORCE  
BOARD FOR CORRECTION OF MILITARY RECORDS****RECORD OF PROCEEDINGS****IN THE MATTER OF:****DOCKET NUMBER:** BC-2022-02542

Work-Product

**COUNSEL:** NONE**HEARING REQUESTED:** NO**APPLICANT'S REQUEST**

The narrative reason for discharge and/or reentry code on his DD Form 214, *Certificate of Release or Discharge from Active Duty*, be changed based on the repeal of Section 654 of Title 10, United States Code (10 U.S.C. § 654).

**APPLICANT'S CONTENTIONS**

He was discharged simply for being a member of the Lesbian, Gay, Bisexual, Transgender community and lost his ability to serve this country. Additionally, he does not want his official government records to indicate is sexual orientation. He was recently asked to provide his DD Form 214 for a private company and realized what it said. He worries about discrimination based on the narrative reason for separation.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a former Air Force airman (E-2).

On 8 Sep 97, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFPD 36-32, *Military Retirements and Separations* and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.36.2.2, due to the applicant's homosexual declaration.

On 2 Sep 97, the Staff Judge Advocate found the discharge action legally sufficient, and the discharge authority approved the recommendation on 11 Sep 97.

On 12 Sep 97, the applicant received an entry level discharge, with a separation code and corresponding narrative reason for separation of HRB. His reentry code is 2C<sup>1</sup>.

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

**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, the Department of Defense (DoD) issued supplemental policy guidance on

<sup>1</sup> Involuntarily separated with an honorable discharge, or entry level separation without characterization of service.

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 3 Mar 23 for comment (Exhibit D), but has received no response.

**FINDINGS AND CONCLUSION**

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
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.

**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 on 12 Sep 97, be amended to reflect he was discharged with 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-2022-02542 in Executive Session on 19 Oct 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 10 Sep 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 14 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.

11/3/2023

X *Work-Product*

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Board Operations Manager, AFBCMR

Signed by: *Work-Product*