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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00067

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COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

She receive a DD Form 214, *Certificate of Release or Discharge from Active Duty*, which reflects:

- a. Her character of service as Honorable.
- b. Her separation code as JFF.
- c. Her narrative reason for separation as Secretarial Authority.
- d. Her reenlistment code as 1J.

APPLICANT'S CONTENTIONS

She was discharged solely based on Don't Ask, Don't Tell (DADT) and has no aggravating factors in her record.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman first class (E-3).

On 13 Feb 08, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.26.2.2, for homosexual admission.

On 5 Mar 08, the Staff Judge Advocate found the discharge action legally sufficient and recommended the applicant receive an honorable discharge.

On 5 Mar 08, the discharge authority directed the applicant be discharged with an honorable service characterization.

According to AF IMT 100, *Request and Authorization for Separation*, dated 6 Mar 08, the applicant received a general (under honorable conditions) discharge, a separation code and

AFBCMR Docket Number BC-2023-00067

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Controlled by: SAF/MRB

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Limited Dissemination Control: N/A

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corresponding narrative reason for separation of HRB, *Homosexual Admission*. Her reentry code is 2B¹.

According to AF IMT 973, *Request and Authorization for Change of Administrative Orders*, dated 5 May 08, the applicant's character of service was amended to honorable. The separation code, narrative reason for separation, and reentry code remained unchanged.

On 5 Dec 22, the applicant petitioned the AFBCMR indicating she received only an AF Form 100 documenting her discharge, and requested she be issued a DD Form 214 to allow her to apply for re-entry and benefits. On 24 May 23, the Board staff notified the applicant her request for a DD Form 214 would be administratively corrected by the Air Force Personnel Center. The letter also informed the applicant she was eligible for additional corrections to her record based on the repeal of DADT and requested she submit a new application requesting the changes.

On 26 May 23, the applicant submitted DD Form 149, *Application for Correction of Military Record*, requesting her original request be amended to include changes to her DD Form 214 based on repeal of DADT.

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 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 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 24 May 23 for comment (Exhibit D) but has received no response.

¹ Separated with a general or under-other-than-honorable-conditions discharge

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. 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. However, the applicant’s character of service currently reflects honorable and an upgrade is not required. Therefore, the Board recommends correcting the applicant’s record as indicated below.

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 10 Mar 08, be amended to reflect she was discharged with 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-2023-00067 in Executive Session on 29 Feb 24:

- 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 Forms 149, w/atchs, dated 5 Dec 22 and 26 May 23.
- 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 24 May 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.

4/19/2025

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