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

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

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DOCKET NUMBER: BC-2023-02674

COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

His separation authority, separation code, and narrative reason for separation be changed based on the repeal of Title 10, United States Code, Section 654 (10 U.S.C. § 654).

### APPLICANT'S CONTENTIONS

He served honorably with superior conduct throughout his entire military career but was discharged as a result of the military's policy of shaming personnel for living their true authentic self at the time. This correction should be made because since his discharge, laws have been passed that now allow gays and lesbians to honorably serve in the military. He only became aware of this opportunity a couple of years ago through a google search.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force Reserve captain (O-3).

On 1 Apr 93, the applicant self-identified as a homosexual in a letter to his commander and requested administrative discharge.

On an unknown date, the applicant's commander recommended the applicant be involuntary discharged.

On 28 May 93, the Deputy Staff Judge Advocate found the discharge action legally sufficient.

On 1 Jun 93, the applicant's wing commander initiated action against the applicant and afforded him the option to apply for retirement (if eligible) or tender his resignation in lieu of further action under AFR 36-2, *Officer Personnel, Administrative Discharge Procedures*.

On 7 Jun 93, the applicant tendered his resignation from all appointments in the Air Force.

On 9 Jun 23, the applicant's wing commander recommended the applicant's resignation be approved for reason his homosexual status made him unsuitable for continued military service and indicated the applicant had not been involved in misconduct.

On 10 Jun 93, the Chief, General Law Division found the applicant's resignation legally sufficient.

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On 4 Jul 93, the Secretary of the Air Force accepted the applicant's resignation, and approved his discharge under the provisions of AFR 36-12, *Officer Personnel, Administrative Separation of Commissioned Officers and Warrant Officers*.

On 21 Jul 93, the applicant received an honorable discharge under AFR 36-12 with a separation code of BRB and a narrative reason for separation of "Voluntary resignation: Misconduct, Moral or Professional Dereliction: Admitted Homosexual or Bisexual in lieu of Involuntary Discharge." He was credited with 4 years, 3 months, and 21 days of total active service.

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

#### **APPLICABLE AUTHORITY/GUIDANCE**

AFR 36-12, *Officer Personnel, Administrative Separation of Commissioned Officers and Warrant Officers*, Table 1-3, Administrative Actions, Rule 6, If action pertains to authority for separation and officer is Regular or Reserve, show this regulation as the authority for separation in all orders directing separation and on DD Form 214, *Certificate of Release or Discharge from Active Duty*.

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 10 Jan 24 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. 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. Notwithstanding, as noted above in the Applicable Authority, the separation authority listed on the applicant’s DD Form 214 encompasses a broad range of administrative separation procedures for commissioned officers and is not explicitly used for discharges under the DADT policy; therefore, a change is not required. Accordingly, the Board recommends correcting the applicant’s record as indicated below.

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.

**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 21 Jul 93, be amended to reflect he was discharged with a Separation Code of JFF and a Narrative Reason for Separation of 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-2023-02674 in Executive Session on 30 May 24:

Work-Product Panel Chair  
el Member  
, Panel Member

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

- Exhibit A: Application, DD Form 149, no/atch, dated 14 Aug 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 10 Jan 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.

8/29/2025

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Board Operations Manager, AFBCMR  
Signed by: USAF