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

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2023-03814

**COUNSEL:** [REDACTED]

**HEARING REQUESTED:** [REDACTED]

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**APPLICANT'S REQUEST**

1. Her discharge be upgraded based on the repeal of Title 10, United States Code, Section 654 (10 U.S.C. § 654).
2. She be issued a DD Form 256, *Honorable Discharge Certificate*, reflecting "honorable" service.

**APPLICANT'S CONTENTIONS**

She was discharged based on her sexual orientation. She has no aggravating circumstances that would preclude her discharge from being upgraded.

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 21 May 1987, the applicant's commander notified her of his intent to recommend the applicant be discharged from the Air Force, under the provisions of AFR 39-10, *Administrative Separation of Airmen*. The specific reason for the action was: homosexual acts admission.

On 8 June 1987, the applicant's commander issued an Addendum to the Letter of Notification, dated 21 May 1987. Specifically, the applicant was notified of her entitlement to an administrative discharge board. On the same date, the applicant submitted a conditional waiver of her rights to an administrative discharge board conditioned upon receipt of no less than an Entry Level Separation (ELS).

On 11 June 1987, the Assistant Staff Judge Advocate found the discharge action legally sufficient.

On 15 June 1987, the discharge authority accepted the applicant's conditional waiver request and directed the applicant be discharged with an uncharacterized ELS.

On 17 June 1987, the applicant received an uncharacterized ELS discharge with a narrative reason for separation of "Homosexuality-Acts." She served 6 months, and 24 days of active duty.

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

**AFBCMR Docket Number BC-2023-03814**

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## 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.

On 17 July 2024, the Board staff provided the applicant a copy of the DoD Policy (Exhibit C).

Per DoDI 1332.14, *Enlisted Administrative Separations*, Uncharacterized Separation, ELS. A separation will be described as an entry-level separation if separation processing is initiated while an enlisted service member is in entry level status (180 days continuous active duty) except when: (1) Characterization under other than honorable is authorized under the reason for separation and is warranted by the circumstances or (2) The Secretary concerned on a case-by-case basis determined the characterization of service as honorable is warranted. The characterization is authorized due to reason of selected changes in service obligation, convenience of the government, disability, secretarial plenary authority or an approved reason established by the Military Department.

## FINDINGS AND CONCLUSION

1. Although the application was not timely filed within the three-year limitation period established by 10 U.S.C. § 1552 (b), the untimeliness is waived in the interest of justice.
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 error or injustice. The Board finds there was an error in the original discharge process. Specifically, the Board notes the original Letter of Notification, dated 21 May 1987 was legally insufficient, as it failed to notify the applicant of her right to an administrative discharge board, in violation of her due process rights. The Board finds the original notification letter should have been withdrawn when the Addendum Letter of Notification, dated 8 June 1987 was issued and notified the applicant of her right to an administrative discharge board and therefore, should have been used to determine the date of notification regarding the initiation of separation proceedings. Furthermore, 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**


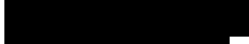
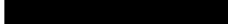
The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show:

1. DD Form 214, *Certificate of Release or Discharge from Active Duty*, issued on 17 June 1987, be amended to reflect she 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.

2. She be issued a DD Form 256, *Honorable Discharge Certificate*, reflecting honorable service.

**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-2023-03814 in Executive Session on 13 August 2024:

- , Panel Chair
- , Panel Member
- , Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 4 November 2023.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Letter, SAF/MRBC, w/atchs (DoD Policy on Correcting Military Records after Repeal of DADT), dated 17 July 2024.

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.

5/12/2025

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Board Operations Manager, AFBCMR

Signed by: 