

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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02033

Work-Product

COUNSEL: Work-Product

HEARING REQUESTED: Work-Pr...

APPLICANT'S REQUEST

Her general (under honorable conditions) discharge be upgraded to honorable, based on the repeal of Title 10, United States Code, Section 654 (10 U.S.C. § 654).

APPLICANT'S CONTENTIONS

On behalf of the applicant, counsel contends the applicant was given a general discharge after her sexual orientation was revealed during an investigation into her as a victim of sexual assault. This was a grave injustice, as she received a discharge that was less than fully honorable despite being the victim of repeated sexual assaults by a superior and testifying against him at trial. The Stanley Memo specifies that former service members discharged due to homosexual conduct may request a discharge upgrade from their Board for Correction of Military Records. It also notes that the repeal of Don't Ask, Don't Tell (DADT) provides sufficient grounds to reconsider requests for applicants who have previously filed appeals. These statements strongly imply that past legal frameworks and time constraints should not prevent those who meet the criteria from seeking an upgrade to their discharge status.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman basic (E-1).

On 9 January 1978, the applicant's commander notified her he was recommending she be discharged from the Air Force, under provisions of Air Force Manual (AFM) 39-12, *Separation for Unsuitability, Misconduct, Resignation, or Request for Discharge for the Good of the Service and Procedures for the Rehabilitation Program*, for homosexual conduct.

On 2 March 1978, the Staff Judge Advocate found the discharge action legally sufficient.

On 24 March 1978, the discharge authority directed the applicant be discharged with a general (under honorable conditions) service characterization. Probation and rehabilitation was not recommended.

On 28 March 1978, the applicant received a general (under honorable conditions) discharge with a separation code of GKL and a reentry code of 2B, *Separated with a general or under-other-than-honorable-conditions discharge*. She was credited with 2 years, 8 months, and 5 days of total active service.

On 21 March 1979, the applicant appealed to the Air Force Discharge Review Board (AFDRB) for a discharge upgrade. On 16 April 1979, the applicant was notified the AFDRB considered and denied her appeal, concluding the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the sound discretion of the discharge authority.

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

APPLICABLE AUTHORITY/GUIDANCE

On 20 September 2011, 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 31 July 2024 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application is timely.
2. The applicant exhausted all other available administrative remedies 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 finds the applicant's discharge was based solely on a similar policy in place prior to enactment of DADT and 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 the DD Form 214, *Report of Separation from Active Duty*, issued on 28 March 1978, be amended as follows:

- a. Character of Service: Honorable
- b. Separation Authority: AFR 39-10
- c. Separation Code: JFF
- d. Narrative Reason for Separation: Secretarial Authority
- e. Reentry Code: 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-2024-02033 in Executive Session on 27 March 2025:

- 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 19 May 2024.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: DoD Policy on Correcting Military Records after Repeal of DADT, dated 20 September 2011.
- Exhibit D: Notification of DoD Policy, SAF/MRBC to applicant, dated 31 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.

11/12/2025

X **Work-Product**

Board Operations Manager, AFBCMR
Signed by: USAF