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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02346

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COUNSEL: NONE

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HEARING REQUESTED: YES

APPLICANT’S REQUEST

The following items on her DD Form 214, *Certificate of Release or Discharge from Active Duty*, be amended to remove references to sexual orientation based on the repeal of Title 10, United States Code, Section 654 (10 U.S.C. § 654):

- a. Item 25, Separation Authority: “AFR 39-10”
- b. Item 26, Separation Code: “HRB”
- c. Item 27, Reentry Code: “2B”
- d. Item 28, Narrative Reason for Separation: “Homosexual Admission”

APPLICANT’S CONTENTIONS

Don’t Ask, Don’t Tell (DADT) was the official policy for military service of non-heterosexual people. The policy was instituted during the Clinton administration, and was in effect from 28 Feb 94 until 20 Sep 11. DADT was officially repealed in full on 20 Sep 11. She did not learn about the official policy change until recently.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force technical sergeant (E-6).

On 4 Nov 93, the applicant’s commander recommended the applicant be discharged from the Air Force under the provisions of AFR 39-10, *Administrative Separation of Airmen*, paragraph 5-35b, for homosexual admission.

On 12 Nov 93, the Staff Judge Advocate found the discharge action legally sufficient and recommended the applicant be separated with an honorable discharge.

On 12 Nov 93, the discharge authority directed the applicant be discharged for homosexuality with an honorable service characterization. Probation and rehabilitation were not offered.

On 16 Nov 93, according to DD Form 214, the applicant received an honorable discharge with a separation code and corresponding narrative reason for separation of HRB, *Homosexual Admission*, and reentry code of 2B, *Separated with a general or under-other-than-honorable discharge*. She was credited with 12 years, 11 months, and 27 days of total active service.

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 31 Jul 24 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application is timely.
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 in part. 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. Accordingly, the Board recommends the applicant's separation code, narrative reason for separation, and reentry code be changed. However, the Board finds insufficient evidence to warrant changing or removing the separation authority. In this respect, AFR 39-10, *Administrative Separation of Airmen*, governs general administrative separation procedures of military personnel. The Board notes the DD Form 214 lists only the regulation and excludes the paragraph reference specific to the reason for discharge. As such, the Board finds the separation authority reflected on the DD Form 214 correct, and a change or removal would not be appropriate. Therefore, the Board recommends correcting the applicant's record as indicated below.

4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board’s understanding of the issues involved.

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 16 Nov 93, be amended to reflect a Separation Code of JFF, Narrative Reason for Separation of Secretarial Authority, and a Reentry code of 1J.

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.

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-2024-02346 in Executive Session on 6 Feb 25:

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 30 Jun 24.
- 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 31 Jul 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.

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Board Operations Manager, AFBCMR
Signed by: Work-Product