



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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-02911

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her DD Form 214, *Certificate of Release or Discharge from Active Duty*, be changed to reflect 90 days of active service time.

APPLICANT'S CONTENTIONS

She is seeking relief in the form of a discharge date change reflecting 90 days of service instead of 2 months and 23 days in order to qualify for a Department of Veterans Affairs (VA) Home Loan. Her desire to serve her country was halted due to "Don't Ask, Don't Tell" (DADT) and the unjust social viewpoint of her sexual orientation during her time of service. Ultimately, she found another way to still be of service by way of the shipbuilding industry. She has worked her way up the ranks from apprentice to project coordinator. Her current goal is to purchase a home, and she hopes to be able to use the VA Home Loan program as a catalyst to do so. In accordance with (IAW) the Wilkie Memo Guidance to Military Discharge Review Boards for Correction of Military Records Regarding Equity, Injustice or Clemency Determinations, citing the objective to ensure fundamental fairness, paragraph 6f, addresses changes in policy whereby service members under the same circumstance today would reasonably be expected to receive a more favorable outcome than the applicant received may be grounds for relief. Paragraph 7b directs when determining whether to grant relief on the basis of equity or an injustice should consider whether the punishment, including any collateral consequences (i.e. 2 months and 23 days discharge instead of 90 days; inability to obtain a VA Home Loan), was too harsh as applicable. Completing Warrior Week and then being sent to medical hold solely based on her sexual orientation was dreadful, however she still looked forward to her graduation. Lastly, 90 days of service are required to generate a DD Form 214, which she received. She still proudly serves the armed forces daily, working hand in hand with the United States Navy in her current profession. If not for DADT, she would have the ability to utilize the VA Home Loan program. She sincerely hopes her request will be heard, validated and approved.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 14 Oct 05, the applicant's commander recommended the applicant be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*. The specific

reasons for the action were: On 30 Aug 05, she admitted to her Military Training Instructor that she was Homosexual.

On 19 Oct 05, the Staff Judge Advocate found the discharge action legally sufficient.

According to a memorandum from the 37th Training Wing Commander, the discharge authority directed the applicant be discharged for Homosexual Conduct with an Entry Level Separation.

On 31 Oct 05, the applicant received an Entry Level Separation. Her reentry code is 2C *Involuntary Separation with Honorable Discharge*, and her narrative reason for separation is "Homosexual Admission". She was credited with 2 months and 23 days of total active service.

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

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 16 Sep 24 for comment (Exhibit D) but has received no response.

AIR FORCE EVALUATION

AFPC/DPMSSR (Military Retirements and Separations) recommends denying the application. The applicant was discharged on 31 Oct 05 under the provisions of AFI 36-3208 as an Entry Level Separation with Uncharacterized Service. Active Duty time served was 2 months and 23 days.

IAW AFI 36-3208, Airmen are in entry level status during the first 180 days of continuous active military service. The DoD determined if a member served less than 180 days of continuous active service, it would be unfair to the member and the service to characterize their limited service. Furthermore, according to the Military Personnel Data System (MILPDS) and the applicant's Master of Personnel Record, the applicant entered the Air Force on 9 Aug 05 and was subsequently discharged on 31 Oct 05, which counts as 2 months, 23 days to total active military service. There is no record of the applicant serving on active duty beyond 31 Oct 05. The Air Force is not authorized to award additional active duty military service time to individuals who did not perform the active duty service in uniform.

The complete advisory opinion is at Exhibit E.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 16 Sep 24 for comment (Exhibit F) 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 not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DPMSSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. The applicant did not serve for at least 180 days of continuous active duty, which is required IAW AFI 36-3208, thereby placing her in the category of Entry Level Separation. Her recorded service time of 2 months and 23 days is correct. The Board notes the applicant did not provide any evidence nor was there any evidence in her record that confirms an error or injustice exist. Therefore, the Board recommends against correcting the applicant's records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

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-2024-02911 in Executive Session on 27 Feb 25:

[REDACTED] Panel Chair
[REDACTED] Panel Member
[REDACTED] Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 8 Aug 24.

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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 16 Sep 24.

Exhibit E: Advisory Opinion, AFPC/DPMSSR, dated 4 Sep 24.

Exhibit F: Notification of Advisory, SAF/MRBC to Applicant, dated 16 Sep 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.

10/23/2025

Signed by: USAF