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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-03169

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COUNSEL: NONE

HEARING REQUESTED: YES

APPLICANT'S REQUEST

Her entry level separation (ELS), uncharacterized 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

The policy has been lifted, and it is no longer a reason to discharge service members.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 30 Jun 04, the applicant's commander recommended the applicant be discharged under the provisions of AFPD 36-32, *Military Retirement and Separations* and AFI 36-3208, *Administrative Separation of Airmen*, paragraph 5.36.2.2 for homosexual conduct and making a statement that she is a lesbian or words to that effect.

On 30 Jun 04, the applicant acknowledged receipt of the notification memorandum.

On 1 Jul 04, the applicant acknowledged receipt of notification for board hearing and offered a conditional waiver of the rights associated with an administrative discharge board hearing contingent upon receiving an ELS.

On 12 Jul 04, the Deputy Staff Judge Advocate found the discharge action legally sufficient.

On 14 Jul 04, the approval authority directed the applicant be discharged with an ELS.

On 16 Jul 04, the applicant received an uncharacterized ELS. Her reentry code is 2C, *Involuntarily separated with an honorable discharge; or entry level separation without characterization of service*, and her narrative reason for separation is "Homosexual Admission." She was credited with 3 months and 17 days of total active service.

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

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APPLICABLE AUTHORITY/GUIDANCE

DoDI 1336.01, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*. The Department of Defense (DoD) authorizes six characterizations of service for military service members to receive on discharge: (1) Honorable; (2) Under Honorable Conditions (General); (3) Under Other than Honorable Conditions; (4) Bad Conduct; (5) Dishonorable, and (6) Uncharacterized.

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.

On 25 Jul 18, the Under Secretary of Defense for Personnel and Readiness issued supplemental guidance, known as the Wilkie Memo, to military corrections boards in determining whether relief is warranted based on equity, injustice, or clemency. These standards authorize the board to grant relief in order to ensure fundamental fairness. Clemency refers to relief specifically granted from a criminal sentence and is a part of the broad authority Boards have to ensure fundamental fairness. This guidance applies to more than clemency from sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice grounds. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. Each case will be assessed on its own merits. The relative weight of each principle and whether the principle supports relief in a particular case, are within the sound discretion of each Board. In determining whether to grant relief on the basis of equality, an injustice, or clemency grounds the Board should refer to the supplemental guidance, paragraphs 6 and 7.

AFI 36-3208, *Military Separation of Airmen*, dated 14 Oct 94, describes the authorized service characterizations that were applicable at the time of the applicant’s separation.

Entry Level Separation. Airmen are in entry level status during the first 180 days of continuous active military service or the first 180 days of continuous active military service after a break of

more than 92 days of active service. Determine the member's status by the date of notification; thus; if the member is in entry level status when initiating the separation action, describe it as an entry level separation unless:

- A service characterization of under other than honorable conditions is authorized under the reason for discharge and is warranted by the circumstances of the case; or
- The Secretary of the Air Force determines, on a case-by-case basis, that characterization as honorable is clearly warranted by unusual circumstances of personal conduct and performance of military duty. The separation authority will forward a recommendation for an honorable characterization to HQ AFMPC/DPMARS2, 550 C Street West, Ste 11, Randolph AFB, TX 78150-4713, for review and further processing. Use this characterization if the reason for separation is:
 - A change in military status according to chapter 2; or
 - For the convenience of the government according to chapter 3; or
 - For disability according to AFI 36-3902 (formerly AFR 35-4); or
 - Directed by the Secretary of the Air Force according to paragraph 1.2.

Honorable. The quality of the airman's service generally has met the Department of the Air Force standards of acceptable conduct and performance of duty or when a member's service is otherwise so meritorious that any other characterization would be inappropriate.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the DoD Policy to the applicant on 11 Feb 25 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, 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 narrative reason for separation and separation code be changed. However, the Board finds insufficient evidence to warrant upgrading her entry level separation to an honorable discharge given her very limited active duty service. In this respect, the Board finds the applicant's uncharacterized service based on entry level separation is correct per DoDI 1332.14, Enlisted Administrative Separations. 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 in conjunction with her 16 Jul 04 discharge be amended to reflect she was discharged with a Separation Code of JFF, a 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-2001-03125-2 in Executive Session on 18 Jul 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 3 Sep 25.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: DoD Policy on Repeal of DADT 20 Sep 11.
- Exhibit D: Letter, SAF/MRBC, dated 11 Feb 25.

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.

9/21/2025

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Board Operations Manager, AFBCMR
Signed by: USAF