



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

### RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2024-03935

*Work-Product*

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be changed to reflect narrative reason for separation of "Secretarial Authority," separation code "JFF," and reentry (RE) code "1J" based on the repeal of 10 U.S.C. § 654.

### APPLICANT'S CONTENTIONS

His discharge was unjust because it was solely based on his homosexual admission and a policy that no longer exists. Because he had no aggravating or derogative factors and his record reflects high marks and awards for his service, his request meets the criteria set forth in the Under Secretary of Defense Memo dated 20 Sep 11.

Even though he was discharged 29 years ago, he only recently learned he could apply for a records correction pertaining to "Don't Ask, Don't Tell" (DADT). Having "homosexual admission" on his DD Form 214 has hurt his employment opportunities over the years.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force sergeant (E-4).

The applicant indicated he was homosexual on the AF Form 1168, *Statement of Suspect/Witness Complainant*, dated 6 Feb 95.

In an illegibly dated memorandum, the applicant's commander recommended he be discharged from the Air Force, under the provisions of AFI 36-3208, *Administrative Separation of Airmen*. The specific reasons for the action were oral and written statements made by the applicant that he was homosexual, which demonstrated his propensity or intent to engage in homosexual acts.

On 28 Feb 95, the applicant submitted his conditional waiver of his rights to an administrative discharge board, contingent on receipt of an honorable discharge.

On 1 Mar 95, the Staff Judge Advocate found the discharge action legally sufficient.

On 3 Mar 95, the discharge authority directed the applicant be discharged for homosexual conduct, with an honorable service characterization. Probation and rehabilitation were considered but not offered.

On 8 May 95, the applicant received an honorable discharge. His reentry code is 2C, *Involuntarily separated with an honorable discharge*, and his narrative reason for separation is “Homosexual Admission.” He was credited with 8 years, 1 month, and 14 days of total active service.

On 24 Jan 01, the applicant applied to the Air Force Discharge Review Board (AFDRB) requesting his discharge reason and RE Code be changed to permit entry into the Air Force Reserve.

On 9 Sep 02, the AFDRB denied the applicant’s request after finding no evidence of impropriety or inequity to warrant a change in reason or authority for his discharge. Specifically, the Board noted that while the applicant previously admitted to being homosexual, he stated to the AFDRB members in a personal appearance that “he is not and was not ever a homosexual” and that “he made false statements about being homosexual for the purpose of obtaining his separation from the Air Force.” The AFDRB concluded that even if it accepted his current denial of ever being a homosexual as true, it would be inappropriate to change his RE code since he would have obtained his honorable discharge as a result of his false statement.

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 13 Mar 25 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. 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. Therefore, the Board recommends against correcting the applicant’s record.

**RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to the applicant be corrected to show the DD Form 214, *Certificate of Release from Active Duty*, issued on 8 May 95, be amended to reflect he was discharged with service characterized as honorable, a Separation Code of JFF, a Narrative Reason for Separation of Secretarial Authority, and a RE code of 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-2024-03721 in Executive Session on 11 Sep 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 5 Oct 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 13 Mar 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.

10/28/2025

Work-Product

Board Operations Manager, AFBCMR  
Signed by: USAF