

**SUMMARY:** The applicant was discharged on 21 December 2009 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Honorable discharge for Homosexual Conduct (Acts). The applicant appealed for a change to her discharge narrative reason.

The applicant was not represented by counsel.

The applicant requested the Board be completed based on a records only review. The Board was conducted on 16 November 2023.

The attached examiner's brief (provided to applicant only), extracted from available service records, contains pertinent data regarding the circumstances and character of the applicant's military service.

**DISCUSSION:** The Discharge Review Board (DRB), under its responsibility to examine the propriety and equity of an applicant's discharge, is authorized to change the characterization of service and the narrative reason for discharge if such changes are warranted. If applicable, the Board can also change the applicant's reentry code. In reviewing discharges, the Board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to rebut the presumption, to include evidence submitted by the applicant. The Board completed a thorough review of the circumstances that led to the discharge and the discharge process to determine if the discharge met the pertinent standards of equity and propriety.

The documentary evidence the Board considered as part of the review includes, but is not limited to the DD Form 293, *Application for the Review of Discharge from the Armed Forces of the United States*, and any additional documentation submitted by applicant and/or counsel; the applicant's personnel file from the Automated Records Management System (ARMS); and the DRB Brief detailing the applicant's service information and a summary of the case.

The applicant contended at the time of her discharge she was asked if she was homosexual by her commander under the Don't Ask Don't Tell (DADT) policy in place at the time. She claimed she was married to a male at the time and did not know what else to do.

A review of the applicant's records revealed she was in a homosexual relationship with another female for approximately four months. The applicant and her partner were involved in a couple incidents of domestic violence and the applicant was arrested on at least one occasion. The unit conducted an inquiry into the applicant's activities and determined she was in fact in a homosexual relationship that was in violation of the DADT policy at that time. She was discharged with an Honorable discharge with homosexual conduct as the narrative reason.

The Board acknowledged that changes in policy, whereby a service member under the same circumstances today would reasonably be expected to receive a more favorable outcome than the applicant received, may be grounds for relief. In response to the applicant's request for relief, the Board recognized the importance of accurate separation codes that do not inadvertently stigmatize service members or disclose sensitive information. Therefore, the Board granted a change to the applicant's narrative reason for separation in accordance with the Department of Defense 20 September 2011 memorandum titled "Correction of Military Records Following Repeal of Section 654 of Title 10, United States Code." also known as the "Stanley Memo." The Board determined the service characterization and reentry code the applicant received were accurate.

**FINDING:** The DRB voted unanimously to *approve* the applicant's request to change her discharge narrative reason. The DRB also voted unanimously to *deny* changing the applicant's reentry code.

Should the applicant wish to appeal this decision, the applicant must request a personal appearance before this Board before applying for relief to the Air Force Board for Correction of Military Records (AFBCMR). In accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*, all applicants before the AFBCMR must first exhaust available administrative avenues of relief before applying to the AFBCMR, otherwise their AFBCMR case will be administratively closed until such time that the applicant avails themselves of the available avenue of relief. Therefore, should the applicant wish to appeal this decision, they must first exercise their right to make a personal appearance before the AFDRB.

**CONCLUSION:** After a thorough review of the available evidence, to include the Applicant's issues, summary of service, service/medical record entries, and discharge process, the Board found the discharge characterization and reentry code were proper and inequitable and the discharge narrative reason was inequitable. Therefore, the awarded characterization of service shall remain "Honorable," the narrative reason for separation shall change to "Secretarial Authority," and the reentry code shall remain "2C." The Air Force DRB (AFDRB) results were approved by the Board president on 30 November 2023. If desired, the applicant can request a list of the Board members and their votes by writing to:

Air Force Review Boards Agency  
Attn: Discharge Review Board  
3351 Celmers Lane  
Joint Base Andrews, NAF Washington, MD 20762-6602  
Instructions on how to appeal an AFDRB decision can be found at  
<https://afrbportal.azurewebsites.us>

Attachment:  
Examiner's Brief (Applicant Only)