

SUMMARY:

The Applicant was discharged on 5 May 2009 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with an Honorable discharge for Homosexual Conduct. The Applicant appealed for a change to the discharge narrative reason and a change to the reentry code.

The Applicant requested the Board be completed based on a records only review. The Board was conducted on 24 April 2024. The Applicant was not represented by counsel.

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 stated their discharge was inequitable as the sole reason for discharge was due to admission of homosexual activity. The Applicant contended their service reflected high marks and requested the narrative reason changed to "Secretarial Authority", the separation code to "JFF", and RE Code to "RE-1J". Additionally, the Applicant requested the DD214 not reflect it was corrected as the USD Memo dated 28 Jan 11 states that "sexual orientation is personal and private".

Based on the Don't Ask, Don't Tell Repeal Act of 2010, the "Don't Ask, Don't Tell" (DADT) policy was repealed effective 20 September 2011. The act authorized some former military members discharged under DADT (or a similar policy prior to DADT) to request a correction to their discharge records. Based on this, the Board concluded her discharge was improper due to this change in the law. Per guidance from the Under Secretary of Defense for Personnel and Readiness, Applicant requests should be approved when the original discharge was based solely on DADT (or a similar policy prior to DADT) and there were no aggravating factors in the record, such as misconduct. The Board determined the facts in this case met both criteria and therefore approved the Applicant's request.

FINDING: The DRB voted unanimously to *approve* the Applicant's request to change her discharge narrative reason and to change the 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 was improper. Therefore, the awarded characterization of service shall remain Honorable," the narrative reason for separation shall Change to "Secretarial Authority," and the reentry code shall Change to "1J." The DRB results were approved by the Presiding Officer on 1 July 2024. 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://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)