The Department of Defense
Office of the Secretary of Defense
1000 Defense Pentagon Washington, DC 20301-1000

FROM THE DESK OF THE SECRETARY OF DEFENSE:

1/28/19

DIRECTIVE 002-2019

DIRECTIVE FOR DISTRIBUTION
SUBJECT: REGARDING SERVICE MEMBERS DISCHARGED UNDER "DON'T ASK, DON'T TELL

Purpose. The purpose of this directive is to retroactively change all homosexual conduct discharges to honorable discharges.

Applicability. This directive applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

Enactment. This directive is effective immediately upon its release to the public. New DD Form 214s should be issued by the Military Departments and OSD within 36 months of the release of this directive.

Policy. It is DoD policy that:

1. Under the power vested in the Secretary of Defense by 10 U.S. Code § 1552 (a)

(1) all service members discharged under the "Don't Ask, Don't Tell" policy,

specifically those with a discharge for "Homosexual Conduct" discharge, will have their discharges changed to an honorable discharge;

1.1. The powers vested in 10 U.S.C. § 1552 (c) (1) will not be used by the Secretary at this time, but the Secretary will reserve the right to use them at a later date.

1.2. The Secretary will divest certain powers granted by 10 U.S.C. § 1552 to the Inspector General of the Department of Defense;

2. Powers of the Inspector General:

2.1. The Inspector General will have the authority to make special changes to the provisions of this directive, as described in this section:

2.1.1. The Inspector General, with a recommendation from the Military Departments or OSD, may void a change to the discharge type ordered in Section 1, on grounds of dishonorable conduct including:

2.1.1.1. Conduct that would otherwise warrant a dishonorable discharge,

2.1.1.2. Conduct that had potential to damage the public reputation of the Department of Defense or a DoD Component,

2.1.1.3. Conduct that can be viewed as sexual harassment.

2.1.1.4. If the Inspector General, with a recommendation from the Military Departments or OSD, chooses to void a change to the discharge type, the discharge type will remain a discharge for "homosexual conduct."

2.1.2. The Inspector General will have the authority to change the date upon which DD Form 214s with the discharge reason of "Homosexual Conduct" will be nullified on if:

2.1.2.1. The Inspector General judges that new DD Form 214s will not be fully issued by the date described in Section 4,

2.1.2.2. If the Inspector General judges DD Form 214s will not be fully issued by the date described in Section 4, they will inform the Secretary of Defense no later than November 20, 2020,

2.1.2.3. Should this case occur, the Inspector General should issue a memorandum to all DoD Components announcing the date change to January 20, 2022.

2.1.2.4. Should this case occur, and should the nullification not be ready by January 20, 2022, the Inspector General should ask the Secretary of Defense for a reissuing of this directive with new date provisions.

2.1.3. The Inspector General will have the authority to request that the Undersecretary of Defense for Personnel and Readiness make changes to Department of Defense Instruction Number 1335.01 if the Inspector General judges that there is no grounds in that instruction for the authority to retroactively change DD Form 214s.

2.1.3.1. Should the Inspector General make this request, the Undersecretary of Defense for Personnel and Readiness should make this change within 14 business days of the request.

2.1.3.2. Should 14 business days after the date of the request fall after January 20, 2021, the Inspector General should follow the provisions set in Section 2.1.2., disregarding Section 2.1.2.2.

2.2. The Inspector General of the Department of Defense, and the office of that officer, will be given the authority of executing this directive and managing the execution of this directive by the DoD components.

3. Copies of the corrected DD Form 214 should be provided to the following people, agencies and departments by the DoD Component issuing the new DD Form 214:

3.1. The service member described in the original DD Form 214,

3.2. The following offices and bureaus of the Department of the Interior:

3.2.1. The National Personnel Records Center of the The National Archives and Records Bureau,

3.3. The following offices and bureaus of the Department of Health and Human Services:

3.3.1. The Office of Labor

3.3.2. The Office of Veterans' Affairs

3.4. The Director of Veteran Affairs of the state in which the service member resides currently,

3.5. The locations in which each DoD Component dictates that the DD Form 214 should be issued.

4. Upon release of this directive, the official policy of the Department of Defense will be that "Don't Ask, Don't Tell" was detrimental to the Department, tarnished the reputation of the Department, and should not be repeated.

4.1. This section may be repealed upon request of the President with a directive from the Secretary of Defense or Undersecretary of Defense for Personnel and Readiness.

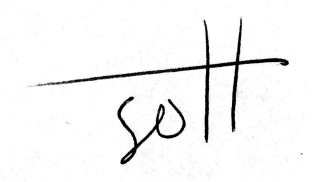
4.2. The enforcement of this section is the authority of the Assistant to the Secretary of Defense for Public Affairs, as well as the Directors of Public Affairs of each DoD component.

5. DD Form 214s with the discharge reason of "Homosexual Conduct," and all copies of these forms will be nullified on January 20, 2021 effective upon the completion of the orders in this directive,

5.1. Except for in the special cases described in Section 2.1.

6. The DD Form 215 should, under no circumstances, be used to execute this directive, as it is intended to be used for corrections to the DD Form 214 and this directive seeks to make a fundamental change to the original DD Form 214s, in accordance with the Presidential Memorandum released 1/20/19.

Releasability. **Cleared for public release.**



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Secretary of Defense

Performing the Duties of the Under Secretary of Defense for Personnel and Readiness