



Veterans' Discharge Paperwork LGBT Veterans Say Change Is Needed

- *Lesbian, Gay, Bisexual and Transgender veterans report difficulty accessing earned military services and benefits.*
- *Changing discharge paperwork to access military benefits and services is slow and not uniformly implemented.*
- *Some veterans do not know they can change discharge paperwork.*

When members of the Armed Forces leave active duty, the U.S. Department of Defense issues them both a short and long version of the DD Form 214, Certificate of Release or Discharge from Active Duty. The short form includes name, gender, service records, awards, medals, assignments, specialties and education. The long form includes these items as well as a narrative and the type of discharge, such as honorable, other than honorable, general or other-than-honorable. There are also codes indicating if a veteran may re-enlist. For lesbian, gay, bisexual and transgender veterans, discharge papers reflecting outdated gender identities and outdated policies—such as “Don’t Ask, Don’t Tell”—can cause a loss of access to earned military benefits and services.

A LEGACY OF DON'T ASK, DON'T TELL

Between 1993 and 2011, the policy of the United States government for lesbian, gay and bisexual military service was “Don’t Ask, Don’t Tell.” This policy required these service members to hide their sexual orientations. Transgender service members also had to hide their gender identity. During this time period, service members could be—and were—discharged if they talked about or admitted their same-sex sexual orientations or if an investigation of “misconduct” uncovered lesbian, gay or bisexual sexual behavior. It is estimated that 13,000 service members were discharged from 1993 to 2009 for reasons associated with their orientations.¹

The “Don’t Ask, Don’t Tell” years were a part of a longer era during which lesbian, gay and bisexual

military personnel experienced discrimination for their sexual orientations or behaviors.² For instance, from 1980 to 1993, approximately 19,000 service members were discharged for reasons associated with their orientations.¹

While current policy eliminates the practice of discharging service members for “homosexual conduct,” this still appears on discharge papers issued prior to the repeal of “Don’t Ask, Don’t Tell.” Reasons for discharge under this policy included such actions as same-sex partners holding hands in public, hugging each other before work and getting married.

But lesbian, gay and bisexual veterans dismissed under these old policies can now update their discharge papers to reflect their honorable service.³ While some veterans are unaware they can do this, those who do so find the process difficult, slow and time intensive.⁴ California’s veterans also report inconsistent policies, resulting in different outcomes for similar cases.⁴ All veterans can apply for changes to their discharge papers, which can affect whether they can access Veterans Affairs benefits and services such as healthcare, education, death benefits and some on-base services.⁵

Many potential employers require a copy of a veteran’s discharge papers. When they see a discharge that is something other-than-honorable or a negative re-entry code—as would have happened under “Don’t Ask, Don’t Tell” and in prior years—an employer may decide not to hire that veteran. As importantly, discharge

papers identifying a veteran as “homosexual” in the narrative remove a person’s choice in determining whether to disclose sexual orientation and exposes him or her to potential discrimination.

TRANSGENDER VETERANS

While transgender veterans may also have been discharged as a result of military prohibitions against lesbian, gay and bisexual service, they face additional challenges. Transgender veterans often change their names and/or sex categories on official documents, such as birth certificates, to align with their gender identifications. When these veterans then attempt to access their earned military services and benefits, their names on discharge papers differ from those on their other identification documents. This makes accessing veterans benefits and services difficult and also requires transgender veterans to involuntarily disclose their gender identity history.

These issues could be remedied by allowing transgender veterans to make the same gender identity changes on their discharge papers as they can on state-level identification documents. However, the process to do so remains “non-existent” in some branches of the military and “inconsistently applied” in others.⁶

LEGISLATIVE AND ADMINISTRATIVE OPTIONS

Eliminating outdated discharge paperwork is primarily a federal issue. Even understanding the scope of this issue for California veterans is difficult because the federal government does not collect information about sexualities and gender identities in the military.⁷ To better understand the scope of the problem in California, the State could request the federal government provide the number of California veterans both applying for and being granted discharge updates related to “Don’t Ask, Don’t Tell” and gender identity.

California could also support training and outreach to help veterans who are updating their discharge papers,⁴ but the impact may be limited given that only the federal government can develop and implement uniform standards and timely practices.⁸ To that end, California’s congressional delegation could introduce new or support existing legislation; state legislators could author a resolution; and the California

Department of Veterans Affairs could submit a letter to the federal government requesting quicker and consistent update services for LGBT veterans.

ENDNOTES

1. Burks, Derek J. 2011. “Lesbian, Gay, and Bisexual Victimization in the Military: An Unintended Consequence of ‘Don’t Ask, Don’t Tell’?” *American Psychologist*, 66, 604-13.
2. Herek, Gregory and Aaron Belkin. 2006. "Sexual Orientation and Military Service: Prospects for Organizational and Individual Change in the United States." Accessed on July 7, 2015. http://www.palmcenter.org/system/files/2006-01_Military_Life.pdf
3. “Diversity Management and Equal Opportunity in the DoD. Department of Defense Directive 2020.02E. June 8, 2015. Accessed on September 4, 2015. <http://www.dtic.mil/whs/directives/corres/pdf/102002E.pdf>
4. Hogue, Kellie J. and Tonya D. Lindsey. 2015. “Better Serving Those Who Serve: California LGBT Veterans Speak Out.” California Research Bureau, California State Library.
5. For more information about the process and how to update discharge papers see <http://www.swords-to-plowshares.org/2012/09/27/upgrading-your-military-discharge-and-changing-the-reason-for-your-discharge/>
6. “Recommendations for Permitting Transgender Veterans to Correct Military Release and Discharge Documentation to Account for a Change in Name and Gender.” October 2013. p. 1. Accessed on September 4, 2015. <http://www.lgbtbar.org/assets/NLGBT-Memo-re-DD-214-Amendments-for-Gender-Change-FINAL.pdf>
7. A recent study does use federal data to estimate the number of transgender people, but to our knowledge federal surveys and the census exclude direct questions about transgender identities. Harris, Benjamin S. 2015. "Likely Transgender Individuals in U.S. Federal Administrative Records and the 2010 Census." U.S. Census Bureau. https://www.census.gov/srd/carra/15_03_Likely_Transgender_Individuals_in_ARs_and_2010Census.pdf
8. For example, in the current session there is the Restore Honor to Service Members Act, S. 1956, 113th Cong. 2014.

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Tonya D. Lindsey Ph.D., author of this Short Subject, can be reached at tonya.lindsey@library.ca.gov.