Repeal of Don’t Ask, Don’t Tell (DADT)
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Introduction

❖ Purpose of Brief
  ▪ Inform Airmen about repeal and its effects
  ▪ NOT to change individual beliefs

❖ Expectation During Brief
  ▪ Ask policy-focused questions
  ▪ Maintain professional demeanor
What is the New Policy?

The Policy – Effective Upon Upon Repeal

What’s new?
- No discharge based on sexual orientation
- Not a factor in recruitment and retention

What has NOT changed?
- Evaluation based on merit, fitness and capability
- Sexual misconduct = grounds for administrative or legal action
Is there a New Policy…

For Civilian Employees and DoD Contractors?

- There is no new policy for DoD civilian employees
  - DoDD 1020.02 prohibits unlawful employment discrimination based on sexual orientation
- Contractor employees should address any concerns with their supervisor at the company of employment
What is the New Policy?

Key Policy Features

- Sexual Orientation is:
  - A personal and private matter
  - NOT a bar to military service
  - NOT a basis for discharge

- The DoD maintains:
  - Zero tolerance for harassment, violence or discrimination
How is the New Policy Enforced?

Standards of Conduct

❖ Apply without regard to sexual orientation

❖ Violations may be punished as:
  ▪ Violation of a lawful regulation
  ▪ Disobeying an order
  ▪ Dereliction of duty

❖ Possible disciplinary and administrative actions to include involuntary separation
How is the New Policy Enforced?

Uniform Code of Military Justice (UCMJ)

- Remains legal foundation of good order and discipline
- Enforces standards of conduct and laws
- Prohibits harassment, sexual assault or other violence
- Punishes sexual misconduct of all Service members
What if…
I Have Moral or Religious Concerns?

❖ Rights:
  ▪ Free exercise of religious expression, within law and policy, remains unchanged
  ▪ Maintain beliefs
  ▪ Discuss concerns with commander/chaplain

❖ Responsibilities:
  ▪ Continue to treat all with dignity and respect
  ▪ Continue to follow all lawful orders
What Can I Expect…
From My Chaplain?

- Free exercise of religion and duty to care for all remains unchanged.
- In the context of their religious ministry, chaplains are not required to take actions inconsistent with their religious beliefs.
What If…
I Want an Early Discharge?

- No policy for early discharge based on:
  - Opposition to repeal
  - Opposition to serving or living with gay, lesbian or bisexual Service members

- Provision for voluntary discharge remains the same, and is granted only when in the best interest of the Service
How Does this Policy Affect…

Privacy and Cohabitation?

- No segregation of facilities, quarters, berthing or practices based on sexual orientation
- Commanders retain the authority to address concerns on a case-by-case basis
How Does this Policy Affect…

Medical Readiness?

- Existing practices ensure medical readiness
- No change to medical policies
- Medical information still protected by HIPAA
How Does this Policy Affect...

Equal Treatment?

- All Service members shall be evaluated only on individual merit, fitness and capability
- Use existing mechanisms such as chain of command, IG, etc., for redress of issues based on sexual orientation
How Does this Policy Affect...

*Data and Records?*

- No requirement to ID sexual orientation
- No collection or maintenance of information on sexual orientation
- Privacy protection applies to information voluntarily provided by Service members such as:
  - SGLI beneficiary
  - Emergency notification contact
How Does this Policy Affect…

Co-Location?

- Defense of Marriage Act (DOMA) currently recognizes only opposite-sex marriage

- No DoD sponsored co-location assignments for same-sex dual-military couples

- Any Service member may request hardship-based assignment accommodation
How Does this Policy Affect Overseas Assignments?

- Current policies remain in effect
- Information provided on host-country laws, to include homosexuality
- No funding or country clearance for same-sex partner
- Any Service member may request hardship-based assignment accommodation
How Does this Policy Affect…

Accession and Recruiting?

- No requirement to declare sexual orientation
- Sexual orientation is NOT a bar to military Service
How Does this Policy Affect…

Re-Accession?

- Reentry based on past performance, character of service and Service needs
- Prior Service members may seek reentry if separated under Don’t Ask, Don’t Tell
- No requirement to petition for change of adverse reentry codes PRIOR to reentry
How Does this Policy Affect…

Claims and Redress?

- No change to existing policy
- No retroactive change to lawful standards
- Any Service member may petition for redress
How Does this Policy Affect...

Family Members and Family Support Services?

- Family Support Services will continue to offer information and referral services to all.
- Families will be offered repeal information through various avenues.
- What is the impact to eligibility for:
  - Family Advocacy Services
  - Child Development Services
  - Youth Services
How Does this Policy Affect…

Benefits Policy?

- Same-sex partner does NOT qualify for benefits such as:
  - Medical
  - BAH
  - Travel/Transport Allowance
  - Family Separation Allowance
  - Survivor Benefit Plan (death on active duty)
How Does this Policy Affect… **Beneficiaries**?

- As always, any person may be designated as beneficiary for certain benefits:
  - Thrift-Savings Plan
  - Death Gratuity
  - SGLI
  - Unpaid Pay and Allowances
  - Survivor Benefit Plan at Retirement – only if qualified as an insurable interest
How Does this Policy Affect…

Military Family Housing?

- Current policies still apply for Service members with statutorily authorized dependents
- Non-dependents are generally NOT authorized to reside in military family housing
- Exceptions made without regard to sexual orientation
Repeal of Don’t Ask, Don’t Tell

Summary

- Brief provided information regarding the repeal of DADT and its effects
- Brief provided reminders of:
  - Core values
  - Service diversity and unit cohesion
  - Standards of conduct
- Until the date of repeal, current policy remains in effect