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

Introduction

- **Purpose of Brief:**
  - Inform Sailors about repeal and its effects
  - NOT to change individual beliefs

- **Expectations During Brief:**
  - Ask policy-focused questions
  - Maintain professional demeanor
What Is the New Policy?

The Policy – Effective 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 members

- Provision for voluntary discharge remains the same and is granted only when in the best interest of the Navy
How Does This Policy Affect . . .

Privacy and Cohabitation?

- No segregation of facilities, quarters, berthing or practices based on sexual orientation
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 Sailors 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 for same-sex dual-military couples
- Any Sailor 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 Sailor may request hardship-based assignment accommodation
How Does This Policy Affect . . .
Accession and Recruiting?

- No requirement to declare sexual orientation
- Sexual orientation NOT a bar to military service
How Does This Policy Affect . . .

Re-Accession?

- Prior Service members may seek reentry if separated under Don’t Ask, Don’t Tell
- Reentry based on past performance, character of service and Navy needs
- 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 Sailor 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.
- 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 Sailors with statutorily authorized dependents
- Non-dependents are generally NOT authorized to reside in military family housing
- Exceptions made without regard to sexual orientation
Brief Provided:

- Information regarding DADT and its effects
- Reminders of:
  - Navy Core Values
  - Navy diversity and unit cohesion
  - Standards of conduct
  - Until the date of repeal, current policy remains in effect