

## TIPS FOR INQUIRY OFFICERS OF CASES INVOLVING MEMBERS WHO STATE THEY ARE HOMOSEXUALS

1. You have been appointed to serve as an inquiry officer in a case involving a member stating he or she is homosexual or bisexual. Making such a statement is homosexual conduct that subjects the member to involuntary separation action because the statement creates a rebuttable presumption that the member engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. Moreover, if the member has received educational assistance, special pay, or bonuses, the member may be subject to recoupment of an amount of government benefits proportional to the amount of the member's military service that has not been fulfilled.
2. The purpose of the inquiry is to determine if the commander possesses credible information upon which to initiate separation action or if other action should be taken because the member has made a false statement to avoid service. The intent of the member in making the statement also must be examined because it is highly probative to the issue of recoupment. The purpose of the inquiry is not to discover evidence of homosexual acts or to ferret out other homosexuals in the military. As an inquiry officer (IO), you must look at all relevant evidence to enable you to make a finding on the truth of the statement by the member that he or she is homosexual. You also should make a finding on the member's purpose for stating he or she is homosexual or bisexual.
3. You initially should interview the subject member. Ensure you notify counsel if the member already has retained counsel. You also should interview the following persons:
  - a. Parents and siblings. If the member does not provide this information, DD Form 398 should have this data.
  - b. Look at the DD Form 398 for any other possible leads for interview subjects.
  - c. School counselor and advisor.
  - d. Any other knowledgeable school officials.
  - e. School career development office; did the member interview for civilian jobs? Did the student apply for fellowships, internships, etc., that would have been displaced by military service?
  - f. Roommates and close friends, including people the subject dated.
  - g. Mental health medical records.
  - h. AFIT program manager. Did the member apply for deferment of military service? If the member is in medical school, was the member assigned to intern in an area of medicine he or she did not want?
  - i. Air Force career manager.
4. You should prepare a list of anticipated questions and forward them to your MAJCOM staff judge advocate for review and comment. Attached is a list of suggested questions for interviewing the subject member; many also can be used for other witnesses.