

EXTRACT FROM DOD DIRECTIVE 1332.30 - Feb. 12, 1986
SEPARATION OF REGULAR COMMISSIONED OFFICERS FOR CAUSE

DEFINITIONS

Bisexual. A person who engages in, desires to engage in, or intends to engage in both homosexual and heterosexual acts.

Homosexual. A person, regardless of sex, who engages in, desires to engage in, or intends to engage in homosexual acts.

Homosexual Act. Bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires.

ACTS OF MISCONDUCT OR MORAL OR PROFESSIONAL DERELICTION

Homosexuality. The basis for separation may include preservice, prior service, or current service conduct or statements. A commissioned officer shall be separated under this provision if one or more of the following findings is made:

a. The officer has engaged in, has attempted to engage in, or has solicited another to engage in a homosexual act or acts, unless there are further findings that:

(1) Such conduct is a departure from the officer's usual and customary behavior;

(2) Such conduct under all the circumstances is unlikely to recur;

(3) Such conduct was not accomplished by use of force, coercion, or intimidation by the officer during a period of military service;

(4) Under the particular circumstances of the case, the officer's continued presence in the Service is consistent with the proper discipline, good order, and morale of the service; and

(5) The officer does not desire to engage in or intend to engage in homosexual acts.

b. The officer has stated that he or she is a homosexual or bisexual unless there is a further finding that the officer is not a homosexual or bisexual.

c. The officer has married or attempted to marry a person known to be of the same biological sex (as evidenced by the external anatomy of the persons involved) unless there are further findings that the Officer is not a homosexual or bisexual and that the purpose of the marriage or attempt was the avoidance or termination of military service.

CHARACTER OF DISCHARGE

A discharge shall be characterized as "Honorable" Or "Under Honorable Conditions" when the sole basis for separation is homosexuality unless aggravated acts are included in the findings. A separation "Under Other Than Honorable Conditions" may be issued if there is a finding that the service member attempted, solicited, or committed a homosexual act.

- (1) By using force, coercion, or intimidation.
- (2) With a person under 16 years of age.
- (3) With a subordinate in circumstances that violate the customary military superior-subordinate relationship.
- (4) Openly in public view.
- (5) For compensation.
- (6) Aboard a military vessel or aircraft.
- (7) In another location subject to military control under aggravating circumstances, noted in the finding, that have an adverse impact on discipline, good order, or morale comparable to the impact of such activity aboard a vessel or aircraft.