

GWEN MOORE
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COMMITTEE ON
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CAPITAL MARKETS, INSURANCE, AND GSEs
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COMMITTEE ON BUDGET



Congress of the United States
House of Representatives

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February 3, 2011

The Honorable Robert Gates
Secretary
U.S. Department of Defense
1300 Defense Pentagon
Washington, DC 20301-2033

Dear Secretary Gates,

We write to thank you for your strong support and leadership in helping to secure passage of long-overdue legislation to repeal Don't Ask, Don't Tell (DADT). As you move forward with implementing repeal, we want to express our concerns about discharge characterizations. If not addressed, we worry the U.S. military will continue to deny servicemembers benefits they rightfully earned.

We know that you are working to implement repeal and address obstacles, including those raised in the DoD's implementation report (Support Plan for Implementation: Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask Don't Tell") on November 30, 2010.

One implementation issue to bring to your attention is the situation facing those who have been discharged solely because of this law or its predecessors. As you know, eligibility for VA benefits in general requires that the claimant or the person on whose service the claim is based has been discharged from service under honorable conditions. A discharge characterization can also have negative impacts on the ability of individuals to re-enter the military after repeal.

Some discharged under DADT received an honorable characterization and thus were by and large not hindered in their ability to receive VA or certain other benefits. This was not the case for all. Some discharged under DADT received "general" or "other than honorable" discharge characterizations. And others discharged under the prior regulatory ban even received "dishonorable" discharge characterizations. Again, these discharge characterizations have implications on the ability of these men and women to access benefits they have earned and will continue to do so without action.

A commander considers many factors when deciding to characterize a particular discharge. We understand that you must consider conduct that would otherwise merit a "general" or "other than honorable discharge" regardless of sexual orientation.

However, we urge you to ensure that there is in place a timely and fair mechanism for providing consistent resolutions to post-repeal claims by those who believe their discharge characterization under DADT and its predecessors were undeserved. Many may request changes to allow them

access to a range of earned benefits or services through the VA or DoD and your Department needs to be thoroughly and appropriately prepared.

Those seeking to change their discharge record can petition Service Boards for the Correction of Military Records or Service Discharge Review Boards for redress. However, we understand that getting relief through these venues can be lengthy. We are concerned that the adhoc nature of board decisions may lead to disparate outcomes for similarly situated individuals without strong guidance and leadership.

The DoD implementation plan discusses your Department's responsibility to ensure veterans discharged under DADT are provided fair review of their service record and should the facts merit it, correction of that record. That report also recognized the need for DoD leadership, in coordination with the Department of Veterans Affairs, to "determine if any veteran benefits for Service members separated under 10.U.S.C.§.654 need to be reinstated."

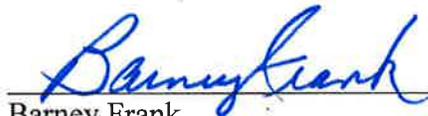
The passage of DADT repeal legislation is a victory that would not have been possible without your strong leadership and support. We know the issue raised above is one of many that your department will wrestle with in the coming months. However, we believe that how you implement repeal is as important as the work to pass the repeal legislation. Your efforts will go a long way to ensure that all Americans who simply want to serve their country are able to do so.

We look forward to your timely response.

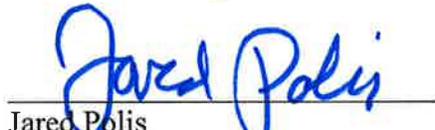
Sincerely,



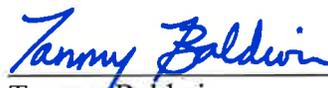
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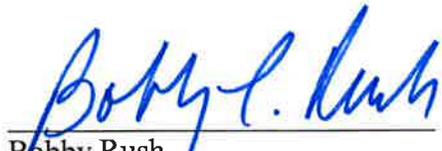
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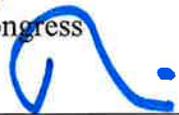


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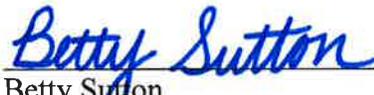


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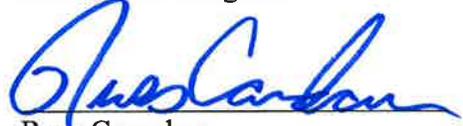

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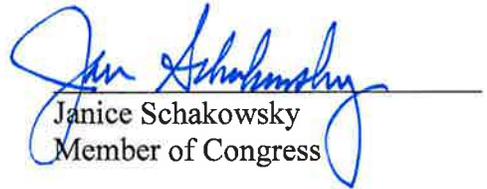

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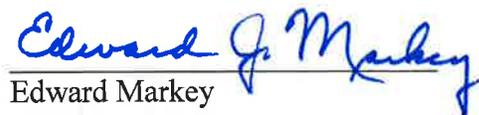

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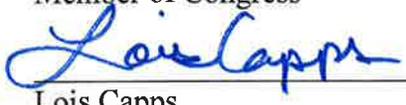

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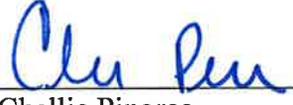

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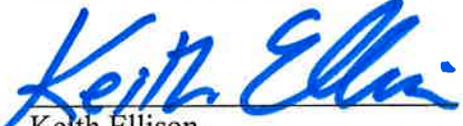

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