

CANCEL PRINT PREVIEW PRINT | FEEDS

HOMOSEXUAL CONDUCT DISCHARGE PROCESSING

Date Signed: 10/20/2010
MARADMIN Active Number: 598/10 2010

R 202024Z OCT 10

UNCLASSIFIED//

MARADMIN 598/10

MSGID/GENADMIN,USMTF,2007/CMC WASHINGTON DC MRA MP//

SUBJ/HOMOSEXUAL CONDUCT DISCHARGE PROCESSING//

REF/A/MEMO/USD P AND R WASHINGTON DC/15OCT2010//

REF/B/10USC654/30NOV93//

REF/C/MSGID/DC MRA/YMD: 20020823//

REF/D/MSGID:DOC/SECDEF WASHINGTON DC/28AUG2008//

REF/E/MSGID:DOC/SECDEF WASHINGTON DC/11DEC2008//

REF/F/MSGID:DOC/SECDEF WASHINGTON DC/25MAR2010//

REF/G/MSGID/HQMC JAM/YMD: 20100330//

REF/H/MSGID/DC MRA MM/YMD: 20100423//

NARR/REF A IS MEMO USD (P AND R), HOMOSEXUAL CONDUCT DISCHARGE PROCESSING. REF B IS THE FEDERAL STATUTE GOVERNING DOD POLICY ON HOMOSEXUALITY IN THE ARMED FORCES. REF C IS MARADMIN 451-02, HOMOSEXUAL CONDUCT POLICY TASKS AND RESPONSIBILITIES. REF D IS DOD INSTRUCTION 1332.14 W/ CHANGE 1, ENLISTED ADMINISTRATION SEPARATIONS. REF E IS DOD INSTRUCTION 1332.30 W/ CHANGE 1, SEPARATION OF REGULAR AND RESERVE COMMISSIONED OFFICERS. REF F IS SECDEF MEMO, REVISIONS TO REGULATIONS IMPLEMENTING 10 U.S.C 654. REF G IS MARADMIN 184-10, DEPARTMENT OF DEFENSE (DOD) AMENDMENTS TO POLICY ON SEPARATION FOR HOMOSEXUAL CONDUCT. REF H IS MARADMIN 242-10, DOD REVISIONS TO POLICY ON SEPARATION FOR HOMOSEXUAL CONDUCT.//

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GENTEXT/RMKS/1. PURPOSE. THIS MARADMIN NOTIFIES ALL MARINE CORPS PERSONNEL OF THE INTERIM POLICY FOR SEPARATION OF SERVICE MEMBERS FOR HOMOSEXUAL CONDUCT, PER REF A. UNTIL FURTHER NOTICE, COMMANDERS WILL NOT APPLY THE PROVISIONS REGARDING HOMOSEXUAL CONDUCT INVESTIGATION, DISCHARGE, SEPARATION, OR OTHER PROCEEDINGS OF REFS B-H.

2. BACKGROUND. ON 12 OCTOBER 2010, A FEDERAL DISTRICT COURT IN CALIFORNIA ISSUED AN INJUNCTION ORDERING THE DEPARTMENT OF DEFENSE TO CEASE ENFORCEMENT OF THE "DON'T ASK, DON'T TELL" LAW (10 U.S.C. 654) AND IMPLEMENTING REGULATIONS. THE COURT ORDERED THE GOVERNMENT TO IMMEDIATELY SUSPEND AND DISCONTINUE ANY INVESTIGATION, OR DISCHARGE, SEPARATION, OR OTHER PROCEEDING THAT MAY HAVE BEEN COMMENCED UNDER THE 10 U.S.C. 654 OR ITS IMPLEMENTING REGULATIONS. THE DEPARTMENT OF JUSTICE FILED AN APPEAL FROM THIS INJUNCTION AND THE COURT'S EARLIER DECISION THAT SUPPORTS IT, AND IS SEEKING A STAY OF THE INJUNCTION WHILE THE APPEAL IS PENDING. IN THE INTERIM, THE DEPARTMENT OF DEFENSE WILL ABIDE BY THE TERMS OF THE INJUNCTION. ADDITIONAL GUIDANCE WILL BE PROVIDED AS THE SITUATION DEVELOPS.

3. AS OF 15 OCTOBER 2010, THE IMMEDIATE GUIDANCE IS:

A. UNTIL FURTHER NOTICE, COMMANDERS WILL NOT ENFORCE THE PROVISIONS REGARDING HOMOSEXUAL CONDUCT INVESTIGATION, DISCHARGE, SEPARATION, OR OTHER PROCEEDINGS OF REFS B THROUGH H.

B. THE POLICY OF THE DEPARTMENT OF DEFENSE REMAINS NOT TO ASK SERVICEMEMBERS OR APPLICANTS ABOUT THEIR SEXUAL ORIENTATION, TO TREAT ALL MEMBERS WITH DIGNITY AND RESPECT, AND TO ENSURE MAINTENANCE OF GOOD ORDER AND DISCIPLINE.

C. IN LIGHT OF THE APPEAL OF THE DECISION AND APPLICATION FOR A STAY, A HIGH LEVEL OF UNCERTAINTY NOW EXISTS REGARDING THE FUTURE OF HOMOSEXUAL CONDUCT LAW AND POLICY. SERVICE MEMBERS MUST BE AWARE THAT IF THEY ALTER THEIR PERSONAL CONDUCT IN THIS LEGALLY UNCERTAIN ENVIRONMENT, THERE MAY BE ADVERSE CONSEQUENCES FOR THEMSELVES OR OTHERS IF THE COURT'S INITIAL DECISION IS REVERSED.

4. COMMANDERS ARE STRONGLY ENCOURAGED TO CONSULT THEIR SJA OR COMMAND COUNSEL IN EVERY CASE WHERE HOMOSEXUAL CONDUCT LAW AND POLICY IS IMPLICATED. REFER ALL QUESTIONS REGARDING APPLICABILITY OF THIS MARADMIN TO THE MPO POC LISTED ABOVE.

5. THIS MARADMIN IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT UNTIL FURTHER NOTICE.

6. THIS APPLIES TO THE TOTAL MARINE CORPS FORCE.

7. RELEASE AUTHORITY BY (SES) MS. S. E. MURRAY, ASSISTANT DEPUTY COMMANDANT, MANPOWER RESERVE AND AFFAIRS.//