



ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

1 AUG 1972

MANPOWER AND
RESERVE AFFAIRS



MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: Review of Practices and Procedures Relating to Information on Separation Documents and Department of Defense Policy on Invasion of Privacy

Your memorandum to me of 1 March 1972 expressed concern that the practices and procedures used to record certain personnel information on discharge forms may be inconsistent with our policy directive which protects against invasion of privacy of the individual.

The discharge practices and procedures as well as the policy protecting against invasion of privacy have been reviewed. My detailed findings are attached.

When a member is separated from the Military Service, he is furnished, in addition to his Discharge Certificate, a form entitled "Armed Forces of the United States Report of Transfer or Discharge (DD Form 214)" which reflects numerous items of personnel information including the type of discharge, reason and authority. A copy of the DD Form 214 is retained by the Military Services and used principally as a summary of personnel information concerning a member's active service. Another copy of the DD Form 214 is furnished to the Veterans Administration and to the Selective Service System for their official use.

Through the years, non-Governmental employers have learned that this document contains certain information, such as the type of discharge and reason for discharge, training received, and job specialty, which may be of interest to them. Although the reason for discharge is codified by the use of the Separation Program Numbers (SPNs) rather than narrative descriptions, recent criticism has alleged that those Service members who receive honorable or general discharges for unfavorable reasons (particularly SPNs for drug abuse or alcoholism) are unnecessarily stigmatized or embarrassed by the appearance of this adverse information on the DD Form 214. However, it should be noted that over 90 percent of the one million members discharged annually receive honorable discharges for reasons other than unfavorable. These members also use the DD Form 214 in seeking employment and in seeking various Veterans Administration and State veterans' benefits. The DD Form 214 allows them to establish their eligibility for veterans' benefits quickly and accurately.

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Special Test for [unclear]

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I believe that our present procedures involving the Discharge Certificate and DD Form 214 are necessary for legitimate administrative purposes, and are basically valid. I have also concluded that the practices and procedures are, in general, consistent with the policy against invasion of privacy.

However, I have identified two deficiencies which contribute to possible embarrassment or stigmatization of some former Service members. These defects will be corrected.

The first concerns access to the Service publications which list the Separation Program Numbers (SPNs). These numbers identify the reasons for discharge in lieu of narrative descriptions. Department of Defense policy and Service regulations prohibit the disclosure of personal information, such as that found on discharge forms, to non-Governmental organizations and individuals unless such disclosure is specifically authorized in writing by former Service members. However, the Army and Air Force do not restrict access to their lists of SPNs. The Navy and Marine Corps restrict access to their lists by marking them "For Official Use Only" and "For Internal Use Only." The practice of unrestricted access to these lists has been criticized as permitting some embarrassment or stigmatization where non-Governmental organizations or employers have obtained the listings through normal publication sources.

The second area concerns Departmental instructions which permit the use of some narrative terms with certain SPNs when the reasons for discharge are based on established facts (for example, fraudulent enlistment, absence without leave, desertion, conviction by military or civil court). This procedure can be construed as being inconsistent with our intent to avoid stigmatization of former Service members. Such terms as unsuitability, inaptitude, unfitness, misconduct, homosexuality, drug abuse, alcoholism and other reasons involving mental or moral issues, which constitute the basis for discharge, are not used. I believe that the use of any narrative should be terminated.

As a result of this review, an ancillary matter has been raised. This deals with whether the reasons for discharge may be too restrictive and whether additional SPNs should be available to distinguish different reasons for discharge. This issue is particularly evident in cases involving drug abuse and alcoholism. Nevertheless, its scope could include any unfavorable reason for discharge such as homosexuality, absence without leave, desertion, unsuitability or unfitness.

A further examination of the reasons for discharge should be made. For example, it may be appropriate to provide commanders more flexibility in dealing with drug or alcohol discharges, and to have more than one SPN for drug abuse or alcoholism.

I recommend:

1. That no changes be made to the present system of recording personal information on separation forms, except that:

a. master lists of SPNs be restricted from non-Governmental organizations and individuals;

b. the use of a narrative description to identify the reason for discharge be terminated.

2. That the Secretaries of the Military Departments, in conjunction with the Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs), examine further into the reasons for discharge to determine whether additional reasons and SPNs are necessary or desirable.


J. Fred Buzhardt
Concurrences have been received from Mr. J. Fred Buzhardt, The General Counsel and Brig. General George J. Hayes, Principal Deputy, Assistant Secretary of Defense (H&E).

If you approve these recommendations, I will dispatch the attached instructions to the Secretaries of the Military Departments.



Roger T. Kelley

Encl

Approval 

~~Disapproval~~

1 August 1972