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DEPARTMENT OF DEFENSE

DIRECTIVES SYSTEM TRANSMITTAL

NUMBER

1304.26, Change 1

DATE

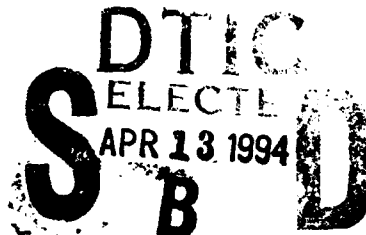
March 4, 1994

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ATTACHMENTS

2 Pages

AD-A278 237**INSTRUCTIONS FOR RECIPIENTS**

The following pen and page changes to DoD Directive 1304.26, "Qualification Standards for Enlistment, Appointment, and Induction," December 21, 1993, are authorized:

PEN CHANGE

Page 4, section G., line 1. Change "February 5, 1994" to "February 28, 1994"

PAGE CHANGES

Remove: Pages 1-5&1-6

Insert: Attached replacement pages

Changes appear on pages 1-5&1-6 and are indicated by marginal asterisks.

EFFECTIVE DATE

The above changes are effective February 28, 1994. Forward one copy of revised implementing documents to the Assistant Secretary of Defense for Personnel and Readiness within 120 days.

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94-11232

James L Elmer
JAMES L. ELMER
Director
Correspondence and Directives

DTIC QUALITY INSPECTED 3

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

(2) In processing waiver requests, the Military Services shall require information about the "who, what, when, where, and why" of the offense in question; and a number of letters of recommendation attesting to the applicant's character or suitability for enlistment. Such letters must be from responsible community leaders such as school officials, ministers, and law enforcement officials.

c. Those who have been previously separated from the Military Services under conditions other than honorable or for the good of the Service.

d. Those who have exhibited antisocial behavior or other traits of character that would render them unfit to associate with military personnel.

8. Provisions Related to Homosexual Conduct

* a. A person's sexual orientation is considered a *
* personal and private matter, and is not a bar to service entry *
* or continued service unless manifested by homosexual conduct *
* in the manner described in paragraph B.8.b., below. Applicants *
* for enlistment, appointment, or induction shall not be asked or *
* required to reveal whether they are heterosexual, homosexual or *
* bisexual. Applicants also will not be asked or required to *
* reveal whether they have engaged in homosexual conduct, unless
independent evidence is received indicating that an applicant
engaged in such conduct or unless the applicant volunteers a
statement that he or she is a homosexual or bisexual, or words to
that effect.

* b. Homosexual conduct is grounds for barring entry into *
* the Armed Forces, except as otherwise provided in this section. *
Homosexual conduct is a homosexual act, a statement by the
applicant that demonstrates a propensity or intent to engage in
homosexual acts, or a homosexual marriage or attempted marriage.
Propensity to engage in homosexual acts means more than an
abstract preference or desire to engage in homosexual acts; it
indicates a likelihood that a person engages in or will engage in
homosexual acts.

(1) An applicant shall be rejected for entry into the Armed Forces if, in the course of the accession process, evidence is received demonstrating that the applicant engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts, unless there is a further determination that:

(a) Such acts are a departure from the applicant's usual and customary behavior;

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(b) Such acts, under all the circumstances, are unlikely to recur;

(c) Such acts were not accomplished by use of force, coercion, or intimidation, and;

(d) The applicant does not have a propensity or intent to engage in homosexual acts.

Such a determination will be made in the course of the normal accession process. A homosexual act means (1) Any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires, and (2) Any bodily contact that a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph B.8.b.(1)(d)1, above.

(2) An applicant shall be rejected for entry if he or she makes a statement that he or she is a homosexual or bisexual, or words to that effect, unless there is a further determination that the applicant has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. Such a determination will be made in the course of the normal accession process.

(3) An applicant shall be rejected for entry if, in the course of the accession process, evidence is received demonstrating that an applicant 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).

* c. Applicants will be informed of separation policy *
* (Section 654 of 10 U.S.C. (reference (a))). Failure to receive *
* such information shall not constitute a defense in any *
* administrative or disciplinary proceeding. *

* d. Nothing in these procedures requires rejection for *
entry into the Armed Forces when the relevant Military Service
Command authority determines:

(1) That an applicant or inductee made a statement, engaged in acts, or married or attempted to marry a person of the same sex for the purpose of avoiding military service, and

(2) Rejection of the applicant or inductee would not be in the best interest of the Armed Forces.



DEPARTMENT OF DEFENSE
WASHINGTON HEADQUARTERS SERVICES
WASHINGTON, DC 20301-1155



April 4, 1994

Ms. Gretchen Schlag
Defense Technical Information Center (DTIC)
DTIC-OC
Building 5, Room 5A317
Cameron Stations
Alexandria, VA 22314-6145

Dear Ms. Schlag:

The attached Change 1 to DoD Directive 1304.26, "Qualification Standards for Enlistment, Appointment, and Induction," December 21, 1993, is provided to DTIC.

The DTIC accession number for the basic Directive is ADA-275138.

For further information, please contact Ms. Patricia Toppings, telephone number (703) 697-4111 or -4112.

PATRICIA TOPPINGS
Staff Assistant
Directives Division