



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

AUG - 7 2014

Mr. Stephen Peters
President, The American Military Partner Association
1725 I Street, Northwest, Suite 300
Washington, DC 20006

Dear Mr. Peters:

Thank you for your recent submission to the Department of Defense (DoD) Military Family Readiness Council (MFRC) expressing the American Military Partner Association's (AMPA) concerns for the needs of lesbian, gay, bisexual and transgendered (LGBT) military spouses and their families. As military family readiness falls under my purview, and as Chair of the MFRC, I wish to respond to your letter.

The Department shares your concern for the readiness of all Service members and their families, regardless of family composition, and has made their welfare and quality of life the highest priority. To address your specific points, I am providing the following responses.

In regard to your concern for LGBT veterans and families transitioning from active duty and attempting to access benefits provided by the Department of Veterans Affairs (VA), let me update you on the Transition Assistance Program (TAP). DoD, with several interagency partners, redesigned the TAP for transitioning Service members to make them career-ready when they leave the military and return to civilian life. A critical part of the redesigned TAP is the Transition GPS (Goals, Plans, Success) curriculum, which includes comprehensive VA I and II Briefings. During the classes, VA provides information on all VA benefits as well as procedures on how and when Service members should apply for benefits. The briefings are mandatory for all eligible transitioning Service members prior to leaving active duty. While DoD strongly encourages spouses to attend these classroom briefings, spouses can take full advantage of the full Transition GPS curriculum online through www.ebenefits.va.gov as well as through the Department of Labor site at www.dol.gov/vets.

I am unable to respond to your concern that even in light of the Supreme Court's decision in the Windsor case, Title 38, Section 103, still prevents the VA from granting earned veterans' benefits to many legally married veterans living in non-marriage equality states. This falls outside DoD's purview, and I encourage you to contact Mr. Robert Snyder, Department of Veterans Affairs Acting Assistant Secretary for the Office of Policy and Planning, to address this issue.

Please be advised that in response to your concerns that DoD non-discrimination policies do not adequately protect uniformed Service members; all military members, including lesbian, gay or bisexual may use their chain of command or the inspector general processes to file complaints of discrimination.

Regarding Status of Forces Agreements (SOFA) and command sponsorship for overseas assignment policies, it is DoD policy to treat all spouses equally without regard to gender or sexual orientation. DoD will only send dependents overseas who can be afforded Status of Forces Agreement protections. At present, 20 countries recognize same-sex marriages under their Status of Forces Agreements with the United States, and DoD offers command sponsorship to same-sex married couples to those countries. In countries that do not afford SOFA protections, the military member may elect to serve an unaccompanied tour without command sponsorship subject to the Service's needs. DoD will continue to engage with the Department of State to address this issue to the fullest extent possible consistent with host nations under current SOFA protections.

In regard to support to military families stationed in states that have not adopted same-sex marriage laws, DoD provides the greatest possible support within the law to all military families regardless of the gender of spouses. This includes a commitment to the health and welfare of military children and the prevention and treatment of child abuse and neglect in all circumstances. DoD does not, however, have authority to specify how states should implement Federally-mandated requirements, such as the Military Spouse Residency Relief Act and the granting of in-state tuition rates (Higher Education Opportunity Act). Currently, approximately 40% of states can support some of these requirements as a result of recognizing domestic partnerships and same-gender marriages.

In terms of counseling support, military chaplains have the duty to care for all military personnel and their dependents. A chaplain whose religious endorsement prohibits counseling of same-gender couples is required to refer the requesting Service member to other appropriate counseling support.

The Department of Defense believes that every qualified American who wishes to serve our country should have the opportunity if they meet accession and retention standards based upon military mission requirements and military occupational standards. This is a very complicated issue, and accession standards do not allow accession based on, "...current or history of psychosexual conditions (302), including but not limited to transsexualism."

We recognize the unique challenges associated with military service that all Service members and their families face, including those in the LGBT community. Thank you for your commitment to LGBT military spouses and their families who serve our nation. The Department remains committed to supporting and improving military family readiness for all.

Sincerely,


Jessica L. Wright