

DEPARTMENT OF THE AIR FORCE
WASHINGTON, D.C. 20330

PLAINTIFF'S
EXHIBIT
19-A



30 OCT 1979

OFFICE OF THE SECRETARY

Honorable Robert Morgan
United States Senator
Post Office Box 2719
Raleigh, North Carolina 27602

Dear Senator Morgan:

Thank you for your recent inquiry to the Department of Defense (DOD) in behalf of Mr. Edwin H. Crosby III, concerning the Air Force separation designation number ("SDN" or "spin code") which is inserted as part of the reason for discharge on the DD Form 214.

The Separation Program Designators (SPD's) — formerly Separation Program Numbers (SPN's) — that the DOD assigns to separated members on the DOD form known as the "DD Form 214", and the Privacy Protection Study Commission's recommendation that the DOD reassess its code policy, are summarized for your background. The designators are placed on copies of the DD Form 214 retained within elements of the DOD for the purpose of identifying the specific reason for discharge and assisting the services in discharge trend analysis and reenlistment eligibility. The internal use of such codes allows the DOD to place the information in the computer file in the most concise manner possible, rather than placing the entire narrative reason in the file. The DD Form 214 provides the individual with a concise source document of his or her military service. It is completed by the services and also used by them as well as other Government agencies. Copies are furnished to the Veterans Administration for determining basic eligibility for veteran's benefits. This document advises the Selective Service System of any remaining service obligation the individual may have. In sum, it has been determined to be an especially useful document to those 94 to 98 per cent of the former service members who have been discharged over the years under honorable conditions. 5090

The July 1977 report of Privacy Protection Study Commission (Chapter 6, Recommendation (13), page 249) recommended:

"That Congress direct the Department of Defense to reassess the extent of which the current military discharge system and the administrative codes on military discharge records have needless discriminatory consequences for the individual in civilian employment and should, therefore, be modified. The reassessment should pay particular attention to the separation program under (SPN) codes administratively assigned to discharges so as to determine how better to limit their use and dissemination, and should include a determination as to the feasibility of:

- (a) issuing new DD-214 forms to all discharges whose forms currently include SPN numbers;
- (b) restricting the use of the SPN codes to the Department of Defense and the Veterans Administrative, for designated purposes only; and
- (c) prohibiting the disclosure of codes and the narrative descriptions supporting them to an employer, even where such disclosure is authorized by the dischargee."

In the DOD comments on the Commission's report addressed to the President's Assistant for Domestic Affairs Policy, Mr. Stuart Eizenstat, on August 25, 1977, the DOD did not concur with this particular recommendation. Basically, it is impractical and would be extremely costly for DOD to conduct a records search in an effort to reissue the DD Form 214 to all discharges whose forms contain these codes. The number of such individuals, as of 1977, approach 20 million. Since May 1974, a program has been in effect for all former service members to receive, upon individual request to their respective service, a new copy of their DD Form 214 with the SPN/SPD code, the specific reason for discharge, and the reenlistment code removed. This program received wide publicity. Effective October 1, 1979, an individual separated is provided two versions of the DD Form 214. One copy, a sanitized version for the individual to use for employment purposes, will not contain any characterization of the discharge. The other copy, for the individual's personal use, will contain the characterization. Since 1974, the Veterans Administration has been receiving a narrative summary of the reason for separation, rather than the SPD code, on its copy of the DD Form 214. An individual's request under the Privacy Act of 1974 for a non-sanitized version of the form to satisfy a particular employer demand as a condition of employment cannot be denied. The DOD has no objection if Congress proposes legislation to prohibit employers from requesting potential employees to furnish the form with codes and narratives. If recommendation 13(a) was enacted, the Congress would have to make the funds available to accomplish this task. Without benefit of study, it is estimated that of the approximately 20 million individuals involved in this proposal, only 7 to 10 thousand have requested the sanitized version of their DD Form 214. On an average, it would cost \$100 per separated member to locate the current address based on credit bureau experience. It is estimated that the processing costs for reissuance would reach \$25 million, exclusive of the General Services Administration or postal costs. Although Mr. Crosby asserts that the SPD code system is a problem, the DOD has established a feasible and practical solution to the problem of SPD codes.

Your personal interest in Mr. Crosby is appreciated. We trust the foregoing information has been helpful.

Sincerely,

MICHAEL S. ALBA, LtCol, USAF
Congressional Liaison Division
Office of Legislative Liaison