



United States District Court  
*Farrell et al. v. Department of Defense et al.*  
Case No. 3:23-cv-04013-JCS

# Class Action Notice

*Authorized by the U.S. District Court*

If you served in the U.S. Armed Forces and your DD-214 references sexual orientation as a reason for your discharge



There is a proposed settlement of a lawsuit that would allow you to request a new DD-214



Read this notice to learn about your rights

## Important things to know:

- There is a proposed settlement of a class action lawsuit brought by veterans whose DD-214s reference sexual orientation as a reason for their discharge.
- If your DD-214 references sexual orientation **and** your discharge characterization is Honorable or Uncharacterized/Entry Level, you would be able to request a new DD-214 that does not reference sexual orientation.
- If your DD-214 references sexual orientation **and** your discharge characterization is General Under Honorable Conditions or Under Other Than Honorable Conditions, you would be able to request a review for an upgrade to your service characterization and a new DD-214 that does not reference sexual orientation.
- Additional information about the lawsuit and settlement is available at [www.justiceforlgbtqveterans.com](http://www.justiceforlgbtqveterans.com).

# About the Lawsuit

## What is this lawsuit about?

This lawsuit is about whether the United States Constitution requires the Department of Defense to remove references to sexual orientation from discharge paperwork (DD-214) of veterans discharged under “Don’t Ask, Don’t Tell” and earlier policies barring lesbian, gay, and bisexual people from serving in the military.

### Where can I learn more?

You can get a complete copy of the proposed settlement and other key case documents at:

[www.justiceforlgbtqveterans.com](http://www.justiceforlgbtqveterans.com)

## Why was the lawsuit filed?

Plaintiffs argue that referencing sexual orientation on DD-214s of veterans violates the Constitution because it is discriminatory and invades their privacy. The Department of Defense denies that it or the military branches are violating any laws.

# About the Settlement

## Why is there a settlement?

In January 2025, the parties signed a settlement agreement to end the lawsuit. Both sides want to avoid the risk, delay, and expense of more legal action.

The purpose of this notice is to provide information about the proposed settlement agreement and help people understand their rights if they are covered by the settlement.

## Am I part of this settlement?

If the settlement is approved, it will apply to a group of people called the “Class.” People who are part of the Class are called “Class Members.” The settlement will decide the rights of all Class Members in the lawsuit.

You are a Class Member if **ALL** of the following are true:

- (1) You served in the U.S. Army, Navy, Air Force, or Marine Corps; **and**
- (2) You were administratively separated (involuntarily discharged without a court martial proceeding) before September 20, 2011; **and**
- (3) The reason for discharge on your DD-214 references sexual orientation in a code or the narrative reason for separation.

## What will the settlement do?

Normally, if you want to change something on your DD-214, you have to submit a petition to the Board of Corrections for review. The proposed settlement makes it easier and faster for Class Members to request changes to their DD-214s relating to sexual orientation.

### **If the settlement is approved, it will do the following:**

- If your DD-214 references sexual orientation **and** your discharge characterization is Honorable or Uncharacterized/Entry Level, you will be able to request a new DD-214 that does not reference sexual orientation. You will receive a new DD-214 without having to go through a Board review.
- If your DD-214 references sexual orientation **and** your discharge characterization is General Under Honorable Conditions or Under Other Than Honorable Conditions, you will be able to request to be part of a group review by the Board for an upgrade to your service characterization and a new DD-214 that does not reference sexual orientation.
- You will not need to have your military record or submit a petition in order to request these corrections.

If the settlement is approved, Class Members will “release” their claims, which means that they cannot bring another group lawsuit against the Department of Defense (or the military branches) about the same issues in this lawsuit. You can find out more information about what this means at [www.justiceforlgbtqveterans.com](http://www.justiceforlgbtqveterans.com).

All Class Members will still have the option to use the regular Board review process to request corrections to their records.

## Do I have a lawyer in this lawsuit?

In a class action, the court appoints lawyers to represent the interests of all Class Members. The following lawyers represent Class Members in this case:

Lori Rifkin IMPACT FUND (510) 845-3473 <a href="http://www.impactfund.org">www.impactfund.org</a>	Radha Manthe KING & SPALDING LLP (404) 572-4810 <a href="http://www.kslaw.com">www.kslaw.com</a>	Elizabeth Kristen LEGAL AID AT WORK (415) 864-8848 <a href="http://www.legalaidatwork.org">www.legalaidatwork.org</a>	Chelsea Corey HAYNES & BOONE, LLP (980) 771-8251 <a href="http://www.haynesboone.com">www.haynesboone.com</a>
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You can also hire your own lawyer at your own expense.

## Do I have to pay the lawyers in this lawsuit?

**No, you do not have to pay anything to the lawyers.** The settlement allows the Court to approve a payment from the Department of Defense to the lawyers of **\$350,000**. This is called “attorneys’ fees and costs,” and it pays the lawyers for their work and expenses they paid in this case.

## What happens next?

The Court will hold a hearing about whether to approve the proposed settlement **on March 12, 2025, at 9:30 am** at:

Phillip Burton Federal Building & United States Courthouse  
Courtroom B, 15<sup>th</sup> Floor  
450 Golden Gate Ave.  
San Francisco, CA 94102

Members of the public can watch this hearing live on Zoom at:  
Webinar ID: 161 926 0804  
Password: 050855

**If the Court approves the settlement, Class Members will be able to request changes to their DD-214s starting in mid-2025.** The Department of Defense will post information about how to make these requests on its website. If the settlement is not approved, the lawsuit will continue.

The scheduled hearing date may change. You can check the date at:  
[www.justiceforlgbtqveterans.com](http://www.justiceforlgbtqveterans.com).

## Do I need to do anything if I am a Class Member?

At the hearing, the Court will decide whether to approve the proposed settlement. If the Court approves the settlement, it will apply to all Class Members.

If you agree with the proposed settlement, you do not need to do anything right now. If you disagree with the settlement, you can object.

## Objecting

### What if I disagree with the settlement?

If you disagree with any part of the settlement, you can tell the Court you object. You must say why you think the Court should not approve the settlement and whether your objection applies to just you, a part of the

Class, or the entire Class. The Court will consider this when it decides whether to approve the settlement. You can, but don't have to, hire a lawyer to help you with an objection.

Objections must be received by **February 19, 2025**. To object:

**1. Mail your objection to the Court:**

Clerk's Office  
United States District Court for the Northern District of California  
16<sup>th</sup> Floor, 450 Golden Gate Avenue  
San Francisco, CA 94102-3489

Attn: Case No. 23-cv-4013-JCS

**AND**

**2. Mail or email your objection to the attorneys:**

Impact Fund  
Attn: Farrell v. DoD Objections  
2080 Addison St., Suite 5  
Berkeley, CA 94704  
[lrifkin@impactfund.org](mailto:lrifkin@impactfund.org)

United States Department of Justice  
Attn: Andrew E. Carmichael  
1100 L St. NW  
Washington, DC 20005  
[andrew.e.carmichael@usdoj.gov](mailto:andrew.e.carmichael@usdoj.gov)

Your written objection must include:

- (1) the case name and number;
- (2) your full name;
- (3) your address, phone number, and email address (if you have one);
- (4) the reasons why you think the settlement should not be approved and whether your objection applies just to you, to part of the Class, or to the entire Class;
- (5) whether either you or your lawyer intend to appear at the settlement approval hearing and your lawyer's name; and
- (6) your signature (handwritten or typed)

## If the Settlement is Approved

### When would I be able to apply for a change to my DD-214?

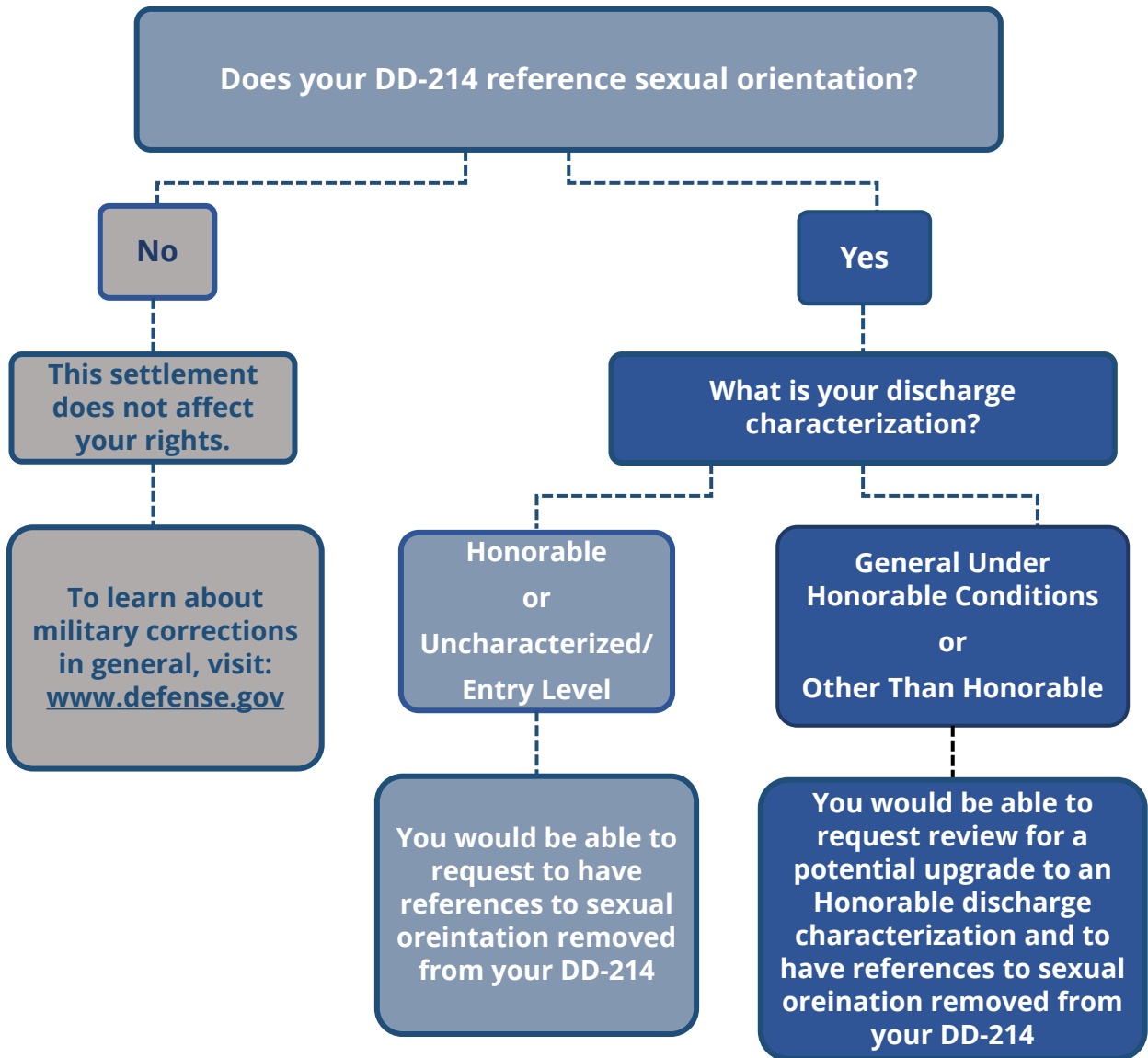
The proposed settlement does not go into effect until it is approved by the Court. The Court will hold a final approval hearing on March 12, 2025. If the Court approves the settlement, it will issue a "final approval order." Within 5 months after that order, DoD will post

information on its website and mail letters to Class Members telling them how to apply for a new DD-214.

**If there are no delays, Class Members will be able to start requesting new DD-214s in mid-2025. Class Members will have 3 years after the new records correction process begins to submit requests for new DD-214s.**

Information about how to apply for a new DD-214 will also be posted on [www.justiceforlgbtqveterans.com](http://www.justiceforlgbtqveterans.com).

## What would the proposed settlement mean for me?



## To request a change, will I need a copy of my current DD-214?

No. If the settlement is approved, you will not need a copy of your current DD-214 in order to request a new DD-214.

## What would be on my new DD-214?

The possible changes to your DD-214 are:

<b>If your discharge status is currently Honorable or Uncharacterized/Entry Level</b>	
<b>Narrative reason for separation</b>	Changed to "Secretarial Authority."
<b>Separation code</b>	Changed to "Secretarial Authority."
<b>Re-Entry code</b>	Re-Entry code changed to RE-1. (If your Re-Entry code is already RE-1, it will not change.)
<b>Discharge characterization</b>	If your characterization is Honorable or Uncharacterized/Entry Level, it will not change.
<b>If your discharge status is currently General Under Honorable Conditions or Other Than Honorable</b>	
<b>Narrative reason for separation</b>	Changed to "Secretarial Authority."
<b>Separation code</b>	Changed to "Secretarial Authority."
<b>Re-Entry code</b>	Re-Entry code changed to RE-1. (If your Re-Entry code is already RE-1, it will not change.)
<b>Discharge characterization</b>	<p>If your characterization is General Under Honorable Conditions or Other Than Honorable, your discharge characterization could be upgraded to "Honorable." If you request a review, DoD will send your records to the Board for Corrections of Military or Naval Records for review. An upgrade to "Honorable" should normally be granted if there are no aggravating factors in your record.</p> <p>If you request review for an upgrade and are denied, you can still apply for corrections to your DD-214 through the regular Board process.</p>

## Key Resources:

For more information about the lawsuit, settlement, and answers to common questions, visit: [www.justiceforlgbtqveterans.com](http://www.justiceforlgbtqveterans.com).