



## DEPARTMENT OF DEFENSE

### **ISSUE: DISQUALIFICATION OF TRANSGENDER SERVICE MEMBERS BASED ON OUTDATED MENTAL AND PHYSICAL FITNESS STANDARDS.**

**POLICY DESCRIPTION:** Currently, specific sections of the military's medical fitness regulations serve as a blanket disqualification and/or bar to service for people who identify as transgender.

DoD Instruction 6130.4, "Medical Standards for Appointment, Enlistment, or Induction in the Armed Forces," January 18, 2005, in part, implements the policy objectives of DoD Directive 6130.3, "Physical Standards for Appointment, Enlistment, or Induction," December 15, 2000 (certified as current in 2003). DoD Directive 6130.3 explains that the purpose of the military's medical standards is, in part, to ensure, "[t]hat service members are medically fit for duty."

But rather than allowing an individualized assessment of fitness to serve, the regulations instead place blanket disqualifiers on service by those with specific conditions or those who have had specific medical procedures. For example, these medical regulations automatically disqualify all people who have been diagnosed with Gender Identity Disorder (GID) – regardless of whether that diagnosis inhibits a person's ability to perform his or her duties. These regulations also automatically disqualify all those who have had surgery to alter their genitals, all those with irregular or absent menstruation cycles, or those with other conditions that do not, by definition, inhibit or impede their ability to perform their duties. In other words, the regulations' blanket disqualifiers fail to take into consideration how these specific conditions or procedures actually impact one's ability to serve. Many transgender persons are automatically disqualified from serving although they are otherwise qualified to serve. For example:

- SLDN is aware of one service member who transitioned from male to female prior to enlistment in the U.S. military. During her six years on active duty, the service member was evaluated no less than four times by military physicians during regularly scheduled routine physical exams. Each time, she was found fit for duty and never encountered any problems



while serving. Had this service member disclosed all of her prior surgeries at the time of her enlistment, this service member would have been automatically disqualified from serving.

**RECOMMENDATIONS FOR CHANGE:** All relevant medical standards should be evaluated to determine why certain mental health and physical characteristics/conditions are service-disqualifying. We recommend that The Secretary of Defense direct the organization within DoD responsible for establishing and maintaining the mental and physical fitness standards and regulations to review the following specific “service disqualifying” conditions, as enumerated in DoD Instruction 6130.4, "Medical Standards for Appointment, Enlistment, or Induction in the Armed Forces", January 18, 2005, so that these conditions no longer serve as a bar to enlistment and/or service for those who are otherwise qualified and fit to serve. See, DoD Instruction 6130.4, E1.12.2; E1.12.5; E1.12.9; E1.12.12; E1.13.1; E1.13.5; E1.13.10 [Identical to E1.12.5; E1.25.14; E1.25.17].

By making the above-referenced changes, transgender service members will be treated equally to all other service members in that their fitness to serve will be evaluated based on their qualifications to do so and not on arbitrary and outdated medical guidelines.

**PROCESS FOR MAKING CHANGES:** DoD is responsible for implementing DoD Instruction 6130.4, "Medical Standards for Appointment, Enlistment, or Induction in the Armed Forces," January 18, 2005, and for ensuring the regular evaluation of medical fitness standards within military. The Secretary of Defense is authorized to issue a directive mandating the changes enumerated above. The Secretary of Defense may make changes to any existing Instructions at any time.