



## Understanding the Army's Transgender Policy



### US ARMY CENTRAL

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The Department of Defense's ban on transgender service members was lifted last year, and as the Army adjusts to accommodate this decision, Soldiers and leaders may have questions about implementation of this policy change. The answers to most of those questions can be found in Army Directive 2016-35 (Army Policy on Military Service of Transgender Soldiers), but the USARCENT Inspector General Office has prepared this IG Update to help explain key aspects of the new policy.

The Department of Defense (DOD) defines "Sex" as being "assigned at birth based on one's physical characteristics," while "Gender" is defined as "one's internal sense of being male or female." Therefore, in DOD a transgender male is someone who was designated to be of the female sex at birth but identifies his gender as male (regardless of whether sexual reassignment surgery has been conducted or not), while the opposite applies to transgender females.

Then-Secretary of Defense Ash Carter announced the lift on the transgender ban in June 2016. Army Directive 2016-35, released four months later, established Army policies and procedures governing how service members who intend to begin transition, are beginning transition, who already may have started transition, or who have completed gender transition and are stable in their preferred gender must proceed in order to change their gender designation in the Defense Enrollment Eligibility Reporting

System (DEERS) and continue Army service in their preferred gender.

The gender transition process for a Soldier serving on Active Duty eligible for military medical care (USAR / ARNG Soldiers, see Army Directive 2016-35 and HQDA EXORD 029-17 with FRAGO 1) begins when the Soldier receives a diagnosis from a military medical provider indicating that gender transition is medically necessary.

**Important: Army Directive 2016-35 requires commanders approach a Soldier undergoing gender transition in the same way they would approach a Soldier undergoing any other medically necessary treatment. Commanders must balance the needs of the transitioning Soldier and the needs of the command in a manner that is comparable to the actions available to the commander in addressing comparable medical circumstances unrelated to gender transition.**

The transitioning Soldier must request that the brigade-level commander approve the timing of the medical treatment. The Soldier must also notify his or her brigade-level commander of any change to the medical treatment plan, the projected schedule for such treatment, or the estimated date for the change in the Soldier's gender marker.

(Cont. )

# DoD Transgender Policy Timeline

Secretary Carter announces all transgender service members can openly serve.

June 30, 2016

Military services will provide gender transition medical care to service members based on medical guidance.

October 1, 2016

The Department publishes Commander's Training Handbook, Medical Guidance, and Policy and Procedures.

Training is complete.

July 1, 2017

Services begin accepting transgender members into the military in compliance with recruiting standards and policies in place.

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The actual transition process will vary from Soldier to Soldier, with some ultimately opting for sex reassignment surgery, while others may proceed with less invasive options including hormone therapy or other minor medical interventions. Regardless of which path a transgender Soldier chooses for his or her transition, one common phase of the gender transition process is known as "real life experience" (RLE) and refers to a period where a transgender Soldier commences living socially in the gender role consistent with his or her preferred gender. One key difference between RLE in the civilian and military environments is that the military generally requires that it occur in an off-duty status, and not at a service member's place of duty.

Army policy requires that during all transition phases (including RLE) a transitioning Soldier must meet all Army standards for uniforms and grooming; body composition assessment; physical readiness testing; Military Personnel Drug Abuse Testing Program participation; and other military standards as they apply to their birth gender, **unless the transitioning Soldier has an approved exception to policy.**

Once a Soldier has completed all phases of their approved gender transition plan, the Soldier's brigade level commander, within 30 days of receiving all required information, will submit written approval to the Commander, U.S. Army Human Resources. HRC will make the appropriate gender change in Army personnel information systems, which will update the gender marker in DEERS. Once the gender

marker has been updated in DEERS the Soldier is subject to all applicable standards required by their updated gender, to include using preferred gender-appropriate berthing, bathroom and shower facilities (with certain accommodations).

Army leadership acknowledges that implementation of this policy will present challenges associated with addressing transgender Soldiers' needs related to maintaining the mission and readiness of the Army. Commanders and leaders may have questions concerning the Army's implementation of this policy or may simply need assistance with understanding the issues surrounding the accommodation of transgender Soldiers in their formations. Recognizing this need, the Assistant Secretary of the Army (Manpower and Reserve Affairs) has established a Service Central Coordination Cell (SCCC) composed of medical, legal, and military personnel experts to provide advice and assistance to commanders, address their inquiries, and process requests for exceptions to policy in connection with Soldiers undergoing gender transition. The SCCC can be reached via email at, USARMY.PENTAGON.HQDA-DCS-G-1.MBX.SCCC@MAIL.MIL

**Important: The Inspector General Office can provide assistance and information about the Army's Transgender Policy, but cannot investigate allegations of discrimination. Transgender Soldiers who believe they have experienced discrimination based on their gender are encouraged to contact their chain of command or their local Army Equal Opportunity Adviser.**

## References

All references below available at: <https://www.milsuite.mil/book/groups/army-transgender-service-information> (CAC Required)

- DOD Instruction 1300.28, "In-service Transition for Transgender Service Members"
- "Transgender Service in the U.S. Military: An Implementation Handbook"
- Army Directive 2016-35 (Army Policy on Military Service of Transgender Soldiers)
- HQDA EXORD 029-17 With FRAGO 1
- Directive-type Memorandum 16-005, "Military Service of Transgender Service Members"

## Resources

**USARCENT Equal Opportunity Office**

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**Service Central Coordination Cell**

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