

The Use of Military Records for Employment

Another record that some employers may want to verify is a military service record. With the national focus on the military with the events in Iraq and Afghanistan, it is likely that employers will receive applications from those with military experience. Many employers find that applicants with military service provide critical skills and training that are extremely valuable in the workforce.

The standard way to verify military records is to ask an applicant for a copy of his or her DD-214. This is the common term for the document given to all members of the military who are discharged from the U.S. Navy, Army, Air Force, Marine Corp, or Coast Guard. The "DD" stand for Department of Defense. The short name is "discharge papers."

For employers who want more than a cursory confirmation of military service, the story goes much deeper. There are actually a number of different copies of the DD-214 with different pieces of information. A discharged service person receives copy 1, which has the least information. The copy with the codes that gives the nature of the discharge, i.e., General, Honorable, Dishonorable, etc. - and details of service is actually on copy 4. The codes characterize the service record of a veteran. The codes are known as SPD (Separation Program Designator), SPN (Separation Program Number) and RE (Re-Entry) codes. Other issues with access and use of the DD-214 are listed below.

1. For a discharged service person to get copy 4, the person must actually ask for it.
2. If a person did not ask for the copy 4, or wants to hide some embarrassing fact, then the person may only present copy 1 to an employer.
3. If the employer wants copy 4 and the applicant does not have it, then there can be a problem acquiring and understanding the copy. The employer can have the applicant sign a Form 180 and send it to the National Personnel Records Center (NPRC) in St. Louis, Missouri. However, there can be a wait up to six months. Some records are no longer available due to a very destructive fire at the St. Louis facility in 1973. [footnote: Although the government has reconstructed some of the records by use of other military documents. For details about these military records, see www.archives.gov/research_room/obtain_copies/veterans_service_records.html]
4. A note of caution. Even after getting a copy 4, there is the issue of translating the military codes. There are websites that provide a complete list of the codes and definitions. However, should civilian employers use these codes for hiring decisions, since the codes were meant for internal military use only? The various codes may represent items that have no foundation or were the result of clerical errors, or are simply not related to job performance.

When making hiring decisions, employers should be very careful before attempting to draw conclusions from various codes on the DD-214. Using the codes on the DD-214 to infer conduct in order to make hiring decisions could result in claims of discrimination, or decisions being made based upon irrelevant or unsubstantiated criteria. The situation can be further complicated if the employers insist that an applicant first obtains a complete DD-214 and then rejects the applicant. That record request could potentially be viewed as evidence of discrimination.

An employer should also exercise caution in using a discharge as a basis of an employment decision. There are four common types of military discharges: honorable, general, undesirable, and dishonorable. Of these, only a dishonorable discharge is given as a result of a factual adjudication equivalent to a criminal trial. In order to avoid potential EEOC claims, an employer should treat a dishonorable discharge in the same fashion as a criminal conviction, taking into account the various factors reviewed in Chapter 11. A general discharge or undesirable discharge may or may not have any bearing on employment and generally should not be the basis of an employment decision.

The best advice may be to use the basic DD-214 to confirm a person was in fact in the military, then ask for the names of references from their military service to obtain job-related information that would be relevant to an employment decision.