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5077-3-0(DPCAOR 5-2)

Prepared by: Capt P.M. Hurley, DPCAOR5-2      May 1991

BRIEF ON CPL DWYER

AIM

1.           The aim of this brief is to outline the procedures followed in administering the Canadian Forces policy on sexual orientation to 113 080 204 Cpl Dwyer DC.

DISCUSSION

2.           Cpl Dwyer enrolled in the Canadian Forces as an Administrative Clerk on 4 June 1981. He was posted to the Canadian Forces Supply Depot in Montreal in 4 July 1988.
3.           In September 1988, Cpl Dwyer admitted to his Commanding Officer (CO) that he was a homosexual.
4.           In November 1988, the SIU interviewed the CO and Medical Officer (MO) and both officers stated that Cpl Dwyer had admitted his homosexuality to them. Cpl Dwyer

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was interviewed by the SIU and stated that he was a homosexual, quite happy to be one and did not have any desire to change his sexual preference.

5. On 17 January 1989, the CO forwarded his career recommendation through Command Headquarters, ADM (MAT), for release of Cpl Dwyer under QR&O 15.01 item 5(d) in accordance with CFAO 19-20. ADM(MAT) concurred with the 5(d) release recommendation on 5 February 1989.

6. On receipt of the unit and Command recommendations and the SIU report, the member's file was prepared for the Special Career Review Board (SCRB). The Board, composed of DPCAOR, DPLS, DMTS and DGPCOR reviewed the file secretarily.

7. The Board considered the statements by the Commanding Officer and the Medical Officer, both of which confirmed that Cpl Dwyer admitted to them that he was a homosexual. The Board also reviewed the statement by Cpl Dwyer that he was a practising homosexual, was happy with that orientation and had no intention of changing his lifestyle. In view of these statements, all members of the Board agreed that CFAO 19-20 was applicable to Cpl Dwyer's case. On 28 April 1989, Cpl Dwyer was offered 5(d) release in accordance with the Interim Policy on Homosexuality. Cpl Dwyer responded on 9 May 1989, stating that he wished to remain in the Canadian Forces.

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8. Concurrent with the investigation and SCRB proceedings, Cpl Dwyer contacted Mr. Svend Robinson, M.P. Mr. Robinson queried the Minister concerning Cpl Dwyer's case in January 1989 and May 1989. Cpl Dwyer spoke out publicly in May 1989 about the Canadian Forces policy in sexual orientation, which was published in the newspaper. Cpl Dwyer also hired legal counsel, who wrote to DPCAOR in May 1989 requesting information on the sexual orientation policy. On 31 July 1989, Cpl Dwyer submitted a Redress of Grievance concerning the Canadian Forces policy on homosexuality. The grievance was denied by the A/MND on 29 November 1989, as it was considered that the policy had been correctly applied to Cpl Dwyer. The grievance is currently being staffed to Governor in Council for decision.

CONCLUSION

9. Cpl Dwyer is an admitted homosexual. In accordance with current policy, practising homosexuals will not knowingly be enrolled or retained in the Canadian Forces. Under the terms of the Interim Policy on Homosexuality, should a member to whom the policy applies not wish to be released, he will be retained with career restrictions until a final policy decision is reached. The policy was applied to Cpl Dwyer in accordance with current regulations, and he is being retained in the Canadian Forces with career restrictions.

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