



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 2771-08
29 August 2008

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: FORMER [REDACTED] USMC, [REDACTED]
[REDACTED] REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149
(2) Petitioner's naval record

1. Pursuant to the provisions of reference (a), Petitioner applied to this Board requesting that the DD Form 214 and associated service record pages be corrected to show Petitioner's current name and gender.

2. The Board, consisting of Messrs [REDACTED], [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 13 August 2008 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner, who was then a male, enlisted in the Marine Corps on 11 July 1977. Petitioner received two nonjudicial punishments for offenses that included an unauthorized absence and failure to obey a lawful order. On 3 May 1978 a medical evaluation board diagnosed Petitioner as having flat feet, existing prior to enlistment. On 18 May 1978 Petitioner was honorably discharged by reason of physical disability.

c. Petitioner underwent gender reassignment surgery in 2007 and effected a name change.

d. In support of the application, Petitioner has submitted a copy of a physician's certification of the genital reassignment surgery.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants partial relief. The Board believes that it would be appropriate to issue a Statement of Service, which reflects current name and gender. The Board concludes, however, that there is no basis for correcting Petitioner's DD Form 214, which correctly reflects Petitioner's name and gender at the time that form was prepared.

RECOMMENDATION:

a. That a Statement of Service which shows Petitioner's current name and gender be prepared, and a copy placed in Petitioner's naval record.

b. That no further relief be provided.

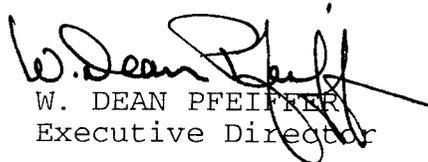
c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JAMES R. EXNICIOS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director