



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No: 0887-21

Date: Ref Signature

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

Subj: REVIEW NAVAL RECORD OF FORMER █ USMC
█ XXX-XX █

Ref: (a) 10 U.S.C. 1552
(b) OSD/DOD Name Change Provisions/Guidance

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (Excerpt)

1. Pursuant to the provisions of references (a) and (b), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting a change to his record, specifically, to correct the record to reflect a name change, and gender change. Enclosures (1) through (3) apply.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 19 March 2021 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 8 January 2008. On 20 February 2017, Petitioner was honorably discharged. In this regard, Petitioner was issued a Report of Separation from Active Duty (DD Form 214) based on the name used while serving, specifically, "█"

d. On 24 May 2018, State of █, ordered and adjudged Petitioner's name changed to "█" from "█."

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[PRESENTLY [REDACTED] XXX-XX-[REDACTED]]

e. On 28 January 2021, the Department of Veterans Affairs issued the Petitioner a letter of gender change certification reflecting the name [REDACTED] and new gender of female.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board notes the legal actions taken by civil authorities to change Petitioner's name and concludes that the DD Form 214 should be changed to reflect the Petitioner's present name. In this regard, the Board noted that normally a DD Form 215 would be issued to correct the record; however, the Board concluded that a new and DD Form 214 is warranted to eliminate the possibilities of invasive questions.

In regard to the Petitioner's request to adjust the gender listed on her discharge documents, the Board noted the current DD Form 214 does not indicate gender of service member therefore, no change is required.

In view of the above, the Board directed the following corrective action:

RECOMMENDATION:

That Petitioner's naval record, specifically, Block 1 of the DD Form 214, be corrected to reflect the name "[REDACTED]" instead of "[REDACTED]"

That Petitioner be issued a new DD Form 214 which reflects the Petitioner's current name.

That no further changes be made to the record.

That a copy of this report of proceedings be filed in Petitioner's naval record, along with the previously issued DD Form 214 and the corrected DD Form 214 which reflects Petitioner's name change.

That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received in 13 February 2021.

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.

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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 Regulation, 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.

4/1/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]