



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

██████████  
Docket No: 1443-21  
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF ██████████ USN,  
XXX-XX ██████████

Ref: 10 U.S.C. § 1552

Encl: (1) DD Form 149 with attachments  
(2) DD Form 214 ending 29 Sep 80  
(3) DD Form 214 ending 31 Jan 97  
(4) Final Judgment of Change of Name, In Re: the Name Change of: [Petitioner], In the Circuit Court of the Seventh Judicial Circuit, in and for ██████████ 26 March 2015

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board) requesting that his naval record be corrected by changing his name on his DD Forms 214.

2. The Board reviewed Petitioner's allegations of error or injustice on 7 April 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. As discussed below, I disagree with the Board's determination and recommend that you approve no corrective action. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all of the facts of record pertaining to Petitioner's allegations of error or 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. Although enclosure (1) was not filed in a timely manner, it is in the interests of justice to waive the statute of limitations and review Petitioner's application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty service on 6 June 1980 under the name listed in the subject line. He was honorably discharged on 29 September 1980 to attend Officer Candidate School. He received a DD Form 214 for this period of active duty service which included the name listed in the subject line. See enclosure (2).

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d. Petitioner was appointed as a commissioned officer in the Navy on 30 September 1980, and serviced continuously on active duty until he retired with an honorable discharge on 31 January 1997 in the rank reflected in the subject line. Petitioner received a DD Form 214 for this period of active duty service which included the name listed in the subject line. See enclosure (3).

e. On 26 March 2015, Petitioner's first name was legally changed to the initial of the first name reflected in the subject line of this memorandum combined with his middle name. His last name remains unchanged, and he now has no middle name. See enclosure (4).

f. Petitioner contends that he has always used his current legal name in order to differentiate himself from his father, and he had his name legally changed upon moving to [REDACTED] because he found that he could not get official documents with a name that did not match his birth certificate. He wishes to have his naval record changed to reflect his current name so that the Defense Finance and Accounting Service (DFAS) will recognize the name change. He has experienced no adversity regarding payment of retirement benefits from DFAS as a result of his name change, but states that confusion has arisen between him and his father with the Department of Veterans Affairs (VA). See enclosure (1).

#### BOARD CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board determined that relief is warranted in Petitioner's case. It found that Petitioner provided sufficient evidence to establish that his name has been legally changed, and that his military record should therefore be changed to reflect his legal name.

#### BOARD RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record:

That Petitioner's DD Form 214 for the period 6 June 1980 to 29 September 1980 be corrected by replacing his first name with its initial.

That Petitioner's DD Form 214 for the period 30 September 1980 to 31 January 1997 be corrected by replacing his first name with its initial.

That Petitioner be issued corrected copies of his DD Forms 214.

That no further changes be made to Petitioner's naval record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

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EXECUTIVE DIRECTOR'S CONCLUSION:

I disagree with the Board's conclusion and recommend that no corrective action be taken on Petitioner's naval record.

There is no evidence that Petitioner's name was erroneous at the time his records were created. Additionally, there is no evidence or reason to believe that retaining Petitioner's former name in his records will cause him any hardship or injustice. He has stated that his legal name change has caused no disruption in the receipt of his retirement benefits from DFAS, and any confusion at the VA with his father be easily resolved by their different social security numbers and/or presentation of the legal documentation of Petitioner's legal name change. The Board's well-established precedent is to grant name change requests only when the name to be changed presents a hardship under the circumstances. For example, the Board routinely grants requests to change names on official records when a name change subsequent to naval service would require an applicant to reveal potentially embarrassing or discriminatory information in order to associate their current name with their naval record (e.g., transgender name changes), but routinely denies name change requests based upon marriage or court-ordered name changes. The latter simply does not present a hardship or injustice for the applicant to prove that they are the person described in the record. The Board's recommendation in this case represents a departure from its precedent, which could call into question all of the Board's previous name change denials. Seeing no justification for such a departure, I recommend that Petitioner's name change request be denied.

EXECUTIVE DIRECTOR RECOMMENDATION

In view of the above, I recommended that no change be made to 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 titled matter.
5. The foregoing action of the Board is submitted for your review and action.

5/11/2021

[REDACTED]

Executive Director

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XXX-XX-[REDACTED]

ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

~~Board Recommendation Approved (Grant Name Change on DD Forms 214)~~

Executive Director Recommendation Approved (Deny Name Change Request)

6/15/2021

[REDACTED]

Assistant General Counsel (M&RA)

Signed by: [REDACTED]