



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

█
Docket No: 3315-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █
[FORMERLY █ USN, XXX-XX-█

Ref: 10 U.S.C. §1552

Encl: (1) DD Form 149 with attachments
(2) DD Form 214
(3) Marriage Certificate, █ Probate Court
(4) █ Probate Court Order, Case No. 576866
(5) █ Probate Court Order, Case No. 586228

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 to reflect current legal name.

2. The Board, consisting of █ and █ reviewed Petitioner's allegations of error or injustice on 28 May 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. 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 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. Petitioner enlisted in the Navy and began a period of active duty service on 10 November 1998. See enclosure (2).

c. On 12 December 2003, Petitioner was honorable discharged from the Navy pursuant to a reduction in force. The name reflected on Petitioner's DD Form 214 was his legal name while in the Navy. See enclosure (2).

d. On 26 December 2009, Petitioner's last name was changed pursuant to his marriage. See enclosure (3).

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e. On 29 March 2016, Petitioner's married name was legally changed by order of the [REDACTED] Probate Court to [REDACTED]. See enclosure (4).

f. On 17 October 2017, Petitioner's name was legally changed by order of the [REDACTED] Probate Court from [REDACTED] to that reflected in the subject line. See enclosure (5).

g. Petitioner contends that he is transgender, and that the presence of his former name on his DD Form 214 represents an injustice because it forces him to disclose his transgender status, thus subjecting him to potential stigma and discrimination. See enclosure (1).

CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board found sufficient evidence of an injustice warranting corrective action.

Petitioner's name has been legally changed from one commonly associated with the female gender to one commonly associated with a male gender, and Petitioner asserts that he is in fact transgender. The Board's well established precedent is to grant requests from transgender Veterans to change the name on their DD Form 214 when they provide proof that their name has been legally changed, as it is an injustice for such individuals to be required to reveal their transgender status in order to gain access to the privileges and benefits earned as a result of their military service. As Petitioner has provided sufficient proof of his legal name change, the Board determined that his DD Form 214 should be changed to reflect his current name.¹

RECOMMENDATION:

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

That Petitioner be issued a new DD Form 214 reflecting his current name as reflected in the subject line of this document.

That Petitioner be issued a new Honorable Discharge certificate reflecting his current name as reflected in the subject line of this document.

That Petitioner's current DD Form 214 be retained in his official naval record along with the corrected DD Form 214 for historical purposes.

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

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

¹ Although a DD Form 215 might be sufficient to reflect this correct to Petitioner's record, the Board determined that Petitioner should instead be issued a new DD Form 214 reflecting his current name in order to avoid potential invasive questions, embarrassment, harassment, or discrimination.

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[REDACTED]

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. Pursuant to the delegation of authority set out in SECNAVINST 5420.193 and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

7/30/2021

[REDACTED]

Executive Director

Signed by [REDACTED]