



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

██████████
Docket No: 3288-22
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
██████████, USN ██████████, 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

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214) reflect Petitioner's current legal name.

2. The Board consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 13 May 2022 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

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.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
[REDACTED], USN [REDACTED], XXX-XX-[REDACTED]

b. Petitioner enlisted in the Navy on 17 January 2012. Upon the completion of Petitioner's required active service, Petitioner was discharged on 28 July 2017 with an honorable character of service, by reason of disability, temporary. Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) based on the name used while serving in the Navy, specifically, [REDACTED]. On 1 March 2019, the memorandum placing Petitioner on the Permanent Disability Retirement List (PDRL) reflects the name [REDACTED]. On 13 May 2020, Petitioner was issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) that also reflects the name [REDACTED].

c. On 21 December 2016, Petitioner, who is transgender, completed a legal name change from [REDACTED] to [REDACTED] to align with Petitioner's gender identity.

d. Based on the guidance reflected in reference (b), from the Office of the Secretary of Defense (OSD) and Department of Defense (DOD), former military personnel who have legally changed their name and sex, or are the subject of gender reassignment, may have their DD Form 214 changed to accurately reflect their present name and sex/gender. In this regard, the change may allow them to obtain various benefits, services, employment, etc., without being subject to otherwise invasive questions. However, the provisions/guidance only apply to the service-member's DD Form 214, and as such, no further changes will be made to the record.

e. Petitioner provides the following forms of evidence with current legal name [REDACTED] to support the request for correction: court ordered name change decree, social security card, and driver's license.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants favorable action. The Board noted Petitioner has provided legal evidence supporting her request. The Board found the legal actions taken by civilian authorities to change Petitioner's name to align with her gender identity, along with the provisions/guidance of reference (b), support a change to Petitioner's discharge documents.

In this regard, the Board noted that normally a DD Form 215 would be issued to correct the record, however, the Board concluded a new DD Form 214 is warranted. The corrected DD Form 214 should include the correct information listed on Petitioner's DD Form 215 issued on 13 May 2020. The new DD Form 214 with updated name is warranted to eliminate the possibility of invasive questions. The Board further concluded that no other changes should be made to Petitioner's record, and that both the previously issued DD Form 214 and DD Form 215 bearing the name [REDACTED] and the new DD Form 214 bearing the name [REDACTED] should remain in the record for historical purposes. In accordance with the foregoing, the Board concluded the DD Form 214 should be corrected to reflect Petitioner's legal name and that Petitioner be issued an updated DD Form 214.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
[REDACTED], USN [REDACTED], XXX-XX-[REDACTED]

RECOMMENDATION:

In view of the above, the Board directs the following corrective action.

That Petitioner's naval record, specifically, Block 1 of the DD Form 214, be corrected to reflect the name [REDACTED] instead of [REDACTED]. Further, the following information as directed in Petitioner DD Form 215 dated 13 May 2020 should be updated on Petitioner's updated DD Form 214, Block 18-Effective date of transfer to temporary retirement status: 20170629, Block 23-Retired, Block 25-MILPERSMAN 1850-020, Block 26-SFK, Block 28-Disability, Temporary.

That a copy of this report of proceedings be filed in Petitioner's naval record, along with the previously issued DD Form 214 and DD Form 215 which reflects the name [REDACTED] and the updated DD Form 214 which reflects the name [REDACTED].

Petitioner be issued a new DD Form 214 and a new discharge certificate which reflects the name [REDACTED].

That no further changes be made to the 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.

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.

6/1/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]