



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

█
Docket No: 4421-22
Ref: Signature date

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

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

Ref: (a) 10 U.S.C. §1552
(b) USD (P&R) Memo of 2 Aug 21 Name Change Provisions/Guidance

Encl: (1) DD Form 149 with attachments

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 her naval record be corrected by changing the narrative reason for separation to medical discharge and by reflecting a name change.

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 24 June 2022, and pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's 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 enlisted in the Marine Corps and commenced a period of active duty on 26 May 2009. On 28 August 2009, Petitioner received a written counseling concerning a diagnosis of █ existing prior to entry, and thus ineligible for retention. On 28 August 2009, Petitioner was discharged with an entry level separation based on a condition, not a disability.

c. At the time of Petitioner's enlistment into the Marine Corps, Petitioner's legal name was "█." When Petitioner was discharged from the Marine Corps, she was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) based on the name used while serving in the Marine Corps, specifically, "█."

d. After discharge from the Marine Corps, Petitioner had her name legally changed from "█" to "█." On 14 December 2015, a court changed the Petitioner's name as indicated on the attachments.

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e. In order to qualify for military disability benefits through the Disability Evaluation System with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition.

f. Based on the guidance reflected in reference (b), former military personnel who have legally changed their name, or are the subject of gender reassignment, may have their DD Form 214 changed to accurately reflect their present name. 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, including changing gender identifiers.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants partially favorable action.

The Board determined that Petitioner failed to provide a basis for relief to obtain a medical discharge. In denying her request for a medical discharge, the Board observed that there were no findings that she had a qualifying disability condition while on active duty. Rather, the Board found that she was in fact correctly discharged based on contemporaneous medical findings that she had a condition, not considered a disability, i.e. [REDACTED].

With respect to Petitioner's request for a name change, the Board noted Petitioner has provided sufficient legal evidence (specifically, the "Order Following Hearing on Name Change" from a court within the State of [REDACTED]) supporting her request. The Board found the legal actions taken by civilian authorities to change Petitioner's name along with the provisions and guidance of reference (b), support a change to her DD Form 214 to reflect Petitioner's legal name.

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 and updated DD Form 214 is warranted to eliminate the possibility of invasive questions. The Board further concluded that no other changes should be made to Petitioner's record (including not making changes to gender identifiers), and that both the previously issued DD Form 214 bearing the name "[REDACTED]" and the new DD Form 214 should remain in the record for historical purposes.

RECOMMENDATION:

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

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

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

Petitioner be issued a new discharge certificate which reflects the name "[REDACTED]."

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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 which reflects the name "[REDACTED]," and the updated DD Form 214 which reflects the name "[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-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 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.

7/11/2022

[REDACTED]

Executive Director

Signed by [REDACTED]