



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

█  
Docket No: 5502-22  
Ref: Signature date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although you did not file your application in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 14 October 2022. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies.

Prior to enlisting in the Navy, on 4 March 1964, you signed an M/S Form #8 (Rev 2/63), "Statement Regarding Change in Name" in which you identified yourself as █ but stated that you preferred to use the name █. You affirmed that, although you had not legally changed your name through any court procedure, you had used the name █ for the past 20 years and were the same person identified on Birth Certificate File █ of the █, Bureau of Vital Statistics. Thus, you enlisted in the Navy under the name of █ and began a period of active duty on 9 March 1964. You served slightly longer than 4 months and were honorably discharged on 11 June 1964 due to "Unsuitability" for an unidentified cause.

The Board carefully weighed all relevant factors and evidence, to include your desire that your Certificate of Discharge or Release from Active Duty reflect the legal name identified on your █ Birth Certificate, State File █ and issued for the name █ as well as your contention that you thought your name was █ and did not realize it was actually █ until recently obtaining a copy of your birth certificate. The Board noted that the name reflected on your vital records consistently reflected the legal, given

name of [REDACTED] and not [REDACTED]. Notwithstanding this fact, the Board noted that a regulatory process was in place which permitted you to elect enlisting under the name [REDACTED] that you voluntarily requested to enlist under this name, and that you served continuously under the name of [REDACTED] throughout your 4 months of service until your discharge. In this regard, the Board noted that the name entered into a former service member's discharge records will not normally be changed absent evidence of actual error regarding the name entered into the record at the time of discharge. As a result and consistent with the policy which permitted the use of your preferred name of [REDACTED] during your military service, the Board determined that the use of your preferred given name of [REDACTED] in your record of discharge did not constitute an error or injustice. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

With respect to the discrepancy between your name in your Birth Certificate and your discharge records, the Board notes that it may result in issues regarding application for certain veteran benefits. To this extent, a copy of the M/S Form #8 from your official military personnel file (OMPF) together with the factual analysis herein should serve to inform any authorities seeking to confirm your service and discharge status. Although you would normally be directed to the appropriate records repository to request a copy of your OMPF records, a copy of your M/S Form #8 has been enclosed for your convenience.

You are entitled to have the Board reconsider its decision upon the submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity is attached to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

11/3/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]

Enclosure: M/S Form #8