



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

██████████
Docket No. 5553-22
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. §1552
(b) OSD/DOD Name Change Provisions/Guidance

Encl: (1) DD Form 149
(2) Naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting a change to his record. Specifically to correct the name listed on her service record to match her birth certificate. Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 24 February 2023, 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. At the time of Petitioner's enlistment into the Marine Corps, Petitioner's legal name was ██████████. On 19 June 1998, Petitioner was discharged from the Marine Corps with a General (Under Honorable Conditions) characterization of service by reason of personality disorder. Petitioner 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, ██████████
██████████

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d. After discharge from the Marine Corps, Petitioner had her name legally changed from [REDACTED] to [REDACTED] to align with her gender identity.

e. 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, including changing gender identifiers.

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 sufficient legal evidence (specifically, the "Certificate of Live Birth" from the State of [REDACTED], Department of Health and Welfare, Bureau of Vital Records and Health Statistics) 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 her DD Form 214 to reflect Petitioner's legal name.

Further, the Board determined that it would be an injustice to label one's discharge as being for a diagnosed character and behavior and/or adjustment disorder. Describing Petitioner's service in this manner attaches a considerable negative and unnecessary stigma, and fundamental fairness and medical privacy concerns dictate a change. Accordingly, the Board concluded that Petitioner's discharge should not be labeled as being for a mental health-related condition and that certain remedial administrative changes are warranted to the DD Form 214.

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, and the new DD Form 214 bearing the name [REDACTED] should remain in the record for historical purposes. Finally, the Board determined Petitioner's reentry code remains appropriate based on the totality of circumstances of her case.

RECOMMENDATION:

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

Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) which reflects the name [REDACTED] with a narrative reason for separation of

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“Secretarial Authority,” separation authority of “MILPERSMAN 1910-164,” and a separation code of “JFF.”

No other changes are required.

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.

3/20/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]