

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

> Docket No: 5561-22 Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. 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 your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A threemember panel of the Board, sitting in executive session, considered your application on 26 August 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, 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).

You enlisted in the Marine Corps and began a period of active duty on 16 July 2007. Subsequently, on 17 July 2016, you were discharged from the Marine Corps with an Honorable characterization of service. At the time of your active duty service and discharge, your name was

On 22 April 2020, the group of Judicial District, State of group approved your name change to "group of state of group of the state of the

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to change your name on your Certificate of Release or Discharge from Active Duty (DD Form 214) from to to to to to to the second to the second s

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board determined that there is no evidence that the name

was erroneous at the time the records was created or reason to believe that retaining the totality of the circumstances, the Board found that the name listed on your discharge documents accurately reflects your legal name at the time of your discharge from naval service. The Board's well-established precedent is to grant name change requests only when the name to be changed presents a hardship or injustice under the circumstances. For example, the Board routinely grants requests to change names on official records when a name change subsequent to naval service would require an applicant to reveal potentially embarrassing or discriminatory information in order to associate their current name with their naval record (e.g., transgender name changes), but routinely denies name change requests based upon marriage or court-ordered name changes. The latter simply does not present a hardship or injustice for the applicant to prove that they are the person described in the record. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon 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 attaches 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,