



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

██████████
Docket No: 7528-22
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER ██████████
██████████ USN, ██████████ [PRESENTLY ██████████]

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

Encl: (1) DD Form 149 w/attachments
(2) Case Summary

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Navy, filed enclosure (1) with this Board requesting a change to their naval record, specifically, to correct the record to reflect a name change. Enclosures (1) and (2) apply.
2. The Board, consisting of ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 21 October 2022, and pursuant to its regulations, determined that 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 the 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. At the time of Petitioner began active duty, Petitioner's legal name was "██████████ ██████████." On 29 June 2007, Petitioner was honorably discharged from the Navy based on a personality disorder diagnosis. In this regard, Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) based the name used during the entirety of Petitioner's service in the Navy, specifically "██████████."
 - c. After discharge from the Navy, Petitioner, who is a transgender man, obtained a court order for a legal name change from "██████████" to "██████████" to align with Petitioner's gender identity. In support of this request, Petitioner submitted: a judicial order from the District Court of ██████████, directing the legal change of Petitioner's name from "██████████" name to "██████████" on 28 September 2020; medical records with a doctor's note certifying Petitioner was in the process

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of transitioning from female to male, a letter from Petitioner's Department of Veterans Affairs psychologist documenting the transition and medically supporting Petitioner's legal name and gender change; a [REDACTED] state driver's license with photographic identification issued to "[REDACTED] [REDACTED]," a [REDACTED] Certificate of Birth issued to "[REDACTED] [REDACTED]," and a U.S. Passport issued to [REDACTED]. In all instances, Petitioner's date of birth and social security number consistently indicated Petitioner's 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, 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 observed that Petitioner provided sufficient legal evidence, including a court order, supporting this request. The Board found the legal and documentary actions taken by Federal and State authorities to change Petitioner's name to align with Petitioner's gender identity, along with the provisions/guidance of reference (b), sufficient to support a change to Petitioner's DD Forms 214 to reflect Petitioner's legal name.

In addition, in keeping with the letter and spirit of current OSD policy regarding equity, the Board determined Petitioner's DD Form 214 should also be changed to reflect a Secretarial Authority discharge. The Board concluded 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 additional remedial administrative changes are warranted to the DD Form 214.

Finally, the Board noted that normally a DD Form 215 would be issued to correct the record, however, the Board concluded new and updated DD Forms 214 are warranted to eliminate the possibility of invasive questions. The Board further concluded, regarding Petitioner's name change, 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 Forms 214 and the new DD Forms 214 bearing the name "[REDACTED]" should remain in the record for historical purposes.

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[REDACTED] USN, [REDACTED] [PRESENTLY [REDACTED]]

RECOMMENDATION:

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

Petitioner's naval record, specifically, Block 1 of all DD Forms 214, be corrected to reflect the name "[REDACTED]," instead of "[REDACTED]." In addition, Petitioner's narrative reason for separation shall be changed to "Secretarial Authority," the separation authority to "MILPERSMAN 1910-164," and the separation code to "JFF."

Petitioner be issued new DD Forms 214 and a discharge certificate.

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 Forms 214 which reflect the name "[REDACTED]," and the updated DD Forms 214 which reflect 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.

11/8/2022

[REDACTED]

Executive Director

[REDACTED]