



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

█
Docket No: 8173-22

Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █
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Ref: (a) 10 U.S.C. §1552
(b) OSD/DOD Name Change Provisions/Guidance

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

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting a change to her naval record, specifically, to correct the record to reflect a name change. Enclosures (1) and (2) apply.

2. The Board, consisting of █, reviewed Petitioner's allegations of error and injustice on 18 November 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, 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 interests of justice to waive the statute of limitations and review the application on its merits.

c. At the time of Petitioner's enlistment into the Marine Corps, Petitioner's legal name was "█." On 3 September 198, Petitioner was discharged from the Marine Corps with an honorable characterization of service. In this regard, 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, who is a transgender woman, 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 "Order granting name change and/or sex designation change for individual adult" from the [REDACTED] Unified Court System) 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.

In this regard, the Board noted that normally a DD Form 215 would be issued to correct the record, however, the Board concluded new and updated DD Form 214s are 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.

RECOMMENDATION:

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

Petitioner be issued a new DD Form 214 that reflects the name [REDACTED]

Petitioner be issued a new honorable 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 Form 214 which reflects the name [REDACTED] and the updated DD Form 214 which reflects the name [REDACTED]

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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.

12/19/2022

[REDACTED]