



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

██████████  
Docket No. 9172-22  
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. §1552  
(b) OSD/DOD Name Change Provisions/Guidance  
(c) 10 U.S.C. 654 (Repeal)  
(d) UNSECDEF Memo of 20 Sep 11 (Repeal of 10 U.S.C. 654)

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

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Marine Corps, filed enclosure (1) with this Board requesting a change to their naval record, specifically, to correct the record to reflect a name change, and to upgrade their discharge to "Honorable." Enclosures (1) and (2) apply.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 10 March 2023, 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, to include references (b) through (d).

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. Petitioner enlisted in the Marine Corps and began a period of active duty on 7 July 1998. At the time of Petitioner began active duty, Petitioner's legal name was "██████████"

c. On 3 October 2000, Petitioner received nonjudicial punishment (NJP) for a single violation of the Uniform Code of Military Justice under Article 86 for absence from appointed place of duty for a period from 19 October 2000 through 22 October 2000. He was awarded 14 days of restriction and extra duty.

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d. Petitioner continued to serve without further incident and was promoted to the pay grade of E-5/Sergeant on 1 November 2002.

e. Petitioner continued to serve without incident until 20 January 2004, at which time Petitioner was issued administrative counseling regarding the assignment of an "RE-4" reenlistment code due to homosexual conduct.

f. Petitioner was issued a General (Under Honorable Conditions) discharge from the Marine Corps, on 26 January 2004, for the narrative reason of homosexual admission with a reentry code of "RE-4." 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 Marine Corps service, specifically "[REDACTED]."

g. After discharge, Petitioner, who is a transgender woman, obtained a court order for a legal name change from "[REDACTED]" to "[REDACTED]" to align with Petitioner's gender identity. In support of this request, Petitioner submitted: a judicial order from the Superior Court of [REDACTED], County of [REDACTED], directing the legal change of Petitioner's name on 20 May 2011; a medical letter certifying Petitioner's irreversible gender reassignment surgery; a U.S. Passport issued to "[REDACTED]"; a Social Security card issued to "[REDACTED]"; a birth certificate for "[REDACTED]"; and, a post-secondary diploma awarded to "[REDACTED]." Petitioner's supporting documents for the name change reflect consistent use of Social Security Number and date of birth, which Petitioner used throughout military service.

h. 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.

i. Reference (d) sets forth the Department of the Defense's current policies, standards, and procedures for correction of military records following the "don't ask, don't tell" (DADT) repeal of 10 U.S.C. 654. It provides service Discharge Review Boards with guidance to grant requests to change the characterization of service to "Honorable," narrative reason for discharge to "Secretarial Authority," SPD code to "JFF1," and reenlistment code to "RE-1J," when the original discharge was based solely on DADT or a similar policy in place prior

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes Petitioner's request warrants favorable action plus additional relief. The Board reviewed this application under the guidance provided in references (b) through (d) intended to be covered by those policies.

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In this regard, the Board noted that Petitioner continued to serve without incident following a single instance of misconduct in November of 2000. Petitioner was subsequently promoted to the noncommissioned officer grade of E-5/Sergeant and continued to serve until discharged, based on a homosexual admission, with a General (Under Honorable Conditions) discharge. Based upon the foregoing, and the fact that Petitioner's performance and conduct reflect "Honorable" service throughout Petitioner's nearly 6 years on active duty, the Board concluded that Petitioner's separation and characterization of service were based solely on her homosexual admission. Accordingly, the Board determined that it was in the interest of justice, to grant full relief under reference (d) by correcting Petitioner's characterization of service, narrative reason for separation, separation code, and reentry code.

Further, the Board observed that Petitioner provided sufficient legal evidence, including a court order, supporting the requested name change. 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 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 Forms 214 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 Forms 214 and the new DD Forms 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's naval record, specifically all DD Forms 214, be corrected to reflect that an "Honorable" discharge, on 26 January 2004, was issued under the name "[REDACTED]," instead of "[REDACTED]" under the authority of "MARCORSEPMAN par. 6214" for the narrative reason of "Secretarial Authority" with a separation code of "JFF1" and reentry code of "RE-1J."

Petitioner be issued a new DD Form 214, which reflect the name "[REDACTED]" and the changes directed above.

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

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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.

4/3/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]