



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

█
Docket No. 238-23
Ref: Signature Date

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

Subj: REVIEW NAVAL RECORD OF FORMER MEMBER █
█ USMC [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 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. Enclosures (1) and (2) apply.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 20 January 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

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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Marine Corps and began active duty on 29 August 1994. At the time of his entry, Petitioner's legal name was "█." Petitioner served three "Honorable" periods of service which resulted in receipt of three issuances of a Certificate of Release or Discharge from Active Duty (DD Form 214) for periods of service as follows: enlisted service from 29 August 1994 to 27 August 1995; commissioned service from 15 December 1995 to 30 September 1999; and, commissioned service from 1 October 1999 to 31 October 2014, at which time Petitioner was honorably discharged upon retirement. All discharge records reflect the name of "█."

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[REDACTED] USMC [PRESENTLY [REDACTED]]

d. After final discharge from the Marine Corps, 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 court order from the Superior Court of the [REDACTED] Civil Division, granting Petitioner’s change of name. Petitioner also submitted a letter from a licensed professional counselor certifying treatment for gender transition to female, a physician’s medical letter certifying gender transition to female, a United States passport issued to “[REDACTED]” an a notarized driver’s license issued by the state of [REDACTED] to “[REDACTED]”.

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 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 discharge records to reflect Petitioner’s current 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 in the interest of justice 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, Block 1 of all DD Forms 214, be corrected to reflect the name “[REDACTED],” instead of “[REDACTED].”

Petitioner be issued new DD Form 214s, which reflect the name “[REDACTED].”

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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 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.

2/2/2023

[REDACTED]