



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

█
Docket No. 1566-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █, █,
USN, █ [█]

Ref: (a) 10 U.S.C. §1552
(b) 10 U.S.C. 654 (Repeal)
(c) UNSECDEF Memo of 20 Sep 11 (Correction of Military Records Following Repeal of 10 U.S.C. 654)

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, a former member of the Marine Corps/Navy, filed enclosure (1) requesting his naval record be corrected by reflecting his name change and by changing his record in accordance with references (b) and (c). Enclosures (1) through (3) apply.
2. The Board, consisting of █, and █, reviewed Petitioner's allegations of error and injustice on 26 February 2024, and pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include references (b) and (c).
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 interest of justice to review the application on its merits.
 - c. At the time of Petitioner's enlistment into the Navy, 28 April 1978, Petitioner's legal name was █

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d. On 22 February 1980, Petitioner was discharged from the Navy with an Honorable characterizations of service by reason of misconduct - homosexual acts. There is no record of misconduct or disciplinary proceeding in the Petitioner's record.

e. After discharge from the Navy, Petitioner, who is a transgender man, has his name legally changed from [REDACTED] to [REDACTED] to align with his gender identity.

f. Petitioner contends that both the narrative reason and his former name on his DD Form 214 constitute injustices because they subject him to social stigma and discrimination that transgender people face.

g. Reference (c) sets forth the Department of the Navy'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 the guidance to normally grant requests to change the narrative reason for discharge to "Secretarial Authority," SPD code to "JFF," and reentry code to "RE-1J," when the original discharge was based solely on DADT or a similar policy in place prior to enactment of it and there are no aggravating factors in the record, such as misconduct.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of references (b) and (c), the Board concludes Petitioner's request warrants relief. The Board noted Petitioner's record supports that he was solely discharged on the basis of homosexuality with no aggravating factors. Therefore, the Board concluded Petitioner is entitled to full relief under reference (c).

The Board further noted that Petitioner provided sufficient legal evidence supporting his name change request, specifically, the Second Judicial District Court of [REDACTED] name change court document and his subsequent updated birth certificate, social security card, passport, and driver's license.

RECOMMENDATION

That Petitioner be issued a new DD Form 214 indicating his name as [REDACTED] the separation authority as "BUPERMAN 3850220," separation code as "JFF," narrative reason for separation as "Secretarial Authority," and reenlistment code as "RE-1J".

It is further directed that he be issued a new Honorable Discharge Certificate.

That no further changes be made to Petitioner's record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

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 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.

3/13/2024

