

## **ADDENDUM TO RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

XXXXXXXXXXXXXXXXXX

**DOCKET NUMBER:** BC-2021-00483-2

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

### **APPLICANT'S REQUEST**

The Board reconsider his request for change of his Air Force and United States Air Force Academy (USAFA) records to reflect his legal name change.

### **RESUME OF THE CASE**

The applicant is a current Air Force Reserve major (O-4).

Per the court order dated 12 Aug 20, the applicant's name was changed from YMJ to EJJ.

On 7 Oct 20, the applicant's name was changed in the military personnel data system (MilPDS).

On 22 Jul 21, the Board denied the applicant's request for change of his Air Force and USAFA records to be updated to reflect his legal name. The Board noted the SAF/MR guidance regarding potential changes on the DD Form 214, *Certificate of Release or Discharge from Active Duty*, to reflect a legal name because the DD Form 214 was designed for a post-service audience. However, the Board noted personnel military records were created for the benefit of the Department of Defense and the historical integrity required the name to not be altered. In the applicant's case, the Board determined he had not provided sufficient evidence of an actual or perceived injustice to warrant granting the request.

For an accounting of the applicant's original request and the rationale of the earlier decision, see the AFBCMR Letter and Record of Proceedings at Exhibit G.

The applicant's automated records management system (ARMS) record includes the following DD Forms 214 reflecting the applicant's prior active duty service:

- a. He served as a USAFA cadet from 18 Jun 02 to 17 Jun 08. The DD Form 214 reflects his prior name (YMJ) and not his current legal name (EJJ).
- b. He served in the Regular Air Force from 27 May 09 to 31 Dec 14 and was honorably discharged in the rank of captain (O-3) and transferred to the Air Force Reserve. The DD Form 214 reflects his prior name (YMJ) and not his current legal name (EJJ).
- c. He served a period of active duty in the Air Force Reserve from 3 Jun 16 to 5 Mar 16 and was released from active duty for completion of service. The DD Form 214 reflects his prior name (YMJ) and not his current legal name (EJJ).
- d. He served a period of active duty in the Air Force Reserve from 20 Jun 18 to 20 Jun 21 and was released for completion of service. The DD Form 214 reflects his current legal name (EJJ).

On 20 Jul 22, the applicant requested reconsideration of his request. The legal name change was in conjunction with the gender marker change. The guidance for name changes states the DD Form 214 is for use by a post-service audience. This is the reason he is requesting his USAFA transcript, diploma, commissioning certificates and other documents be changed as he has reason to use them with a post service audience.

The applicant provides a memorandum to his commander dated 31 May 22, requesting gender marker change, in accordance with DODI 1300.28, *In-Service Transition for Transgender Service Members*. Based on his most recent evaluation by the transgender health medical evaluation unit, the gender transition from female to male was complete. On 3 Jun 22, the applicant's commander approved the request for change of the gender marker from female to male in the MilPDS. The MilPDS shows his sex is male.

The applicant's complete submission is at Exhibit H.

On 28 Oct 22, AFPC/DPMSSR-214 Office provided the applicant with a DD Form 214 for the period ending 31 Dec 14 reflecting his current legal name.

#### **APPLICABLE AUTHORITY/GUIDANCE**

Consistent with recommendations of the Air Staff and the Office of the Secretary of Defense Separations Standardization Working Group, the Board has established a precedent of granting requests for post-service name changes under the following conditions: (1) the applicant's name was changed as part of a transgender transition or the applicant is seeking to revert to a maiden name or the name under which he or she entered service; and (2) the change is supported by a court order, a divorce decree, or birth certificate (True Copy Raised Seal, Notarized, or official digital document with electronic signature); (3) the change is made only to the DD Form 214; and (4) the Board has not already granted a name change for the applicant.

#### **FINDINGS AND CONCLUSION**

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is the victim of an error or injustice. The Board notes the applicant's request for a new DD Form 214 can be administratively corrected in accordance with the recommendations of the Air Staff and the Office of the Secretary of Defense Separations Standardization Working Group and note AFPC issued the applicant a new DD Form 214 for the period ending 31 Dec 14 reflecting his current legal name. While the recommendations of the working group did not include the correction of other documents contained in a service member's record, the Board recommends, in the interest of justice, the applicant's name on his USAFA diploma and USAFA transcript be corrected to reflect his current legal name as requested. In this respect, the Board finds under the circumstances, should the applicant be required to present his diploma and transcripts with his former name to external audiences, he would be exposed to needlessly intrusive questions about his personal history. Therefore, the Board recommends correcting the applicant's records as indicated below.

#### **RECOMMENDATION**

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show:

a. The United States Air Force Academy diploma conferring award of the Bachelor of Science in Geospatial Science degree on 27 May 09, be corrected to reflect his current legal name, EJJ, instead of YMJ

b. The United States Air Force Academy Office of the Registrar Transcript dated 27 May 09, be corrected to reflect his current legal name EJJ, instead of YMJ.

## **CERTIFICATION**

The following quorum of the Board, as defined in Air Force Instruction (AFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 1.5, considered Docket Number BC-2021-00483-2 in Executive Session on 18 Nov 22:

, Panel Chair  
, Panel Member  
, Panel Member

All members voted to correct the record. The panel considered the following:

Exhibit G: Record of Proceedings, w/ Exhibits A-F, dated 3 Aug 21.  
Exhibit H: Application, DD Form 149, w/atchs, dated 20 Jul 22.  
Exhibit I: Documentary evidence, including relevant excerpts from official records.  
Exhibit J: Letter, AFPC/DPMSSR-214, w/atchs, dated 28 Oct 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by AFI 36-2603, paragraph 4.11.9.