

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-02579

XXXXXXXXXXXX

COUNSEL: NONE

(AKA) XXXXXXXXXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

The name on his DD Form 214, *Certificate of Release or Discharge from Active Duty*, be changed to reflect his current legal name.

APPLICANT'S CONTENTIONS

He changed his name while he was active duty Air Force. He was medically retired on 3 Mar 21 [sic], and the effective date of his legal name change is 14 Jul 20. He served part of his enlistment under his changed legal name.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force airman first class (E-3).

On 16 Jul 19, according to DD Form 1966, *Record of Military Processing – Armed Forces of the United States*, the applicant enlisted in the Regular Air Force under the name RBC.

On 14 Jul 20, the applicant obtained a court order to change his name from RBC to DAR.

On 3 Mar 21, according to Special Order No. [REDACTED] *Work-Product*, dated 24 Nov 20, the applicant was relieved from active duty, organization and station of assignment, and placed on the Temporary Disability Retired List, effective 4 Mar 21.

On 3 Mar 21, the applicant was furnished an honorable discharge, and credited with 1 year, 7 months, 18 days service.

The applicant served in the Air Force from 16 Jul 19 to 3 Mar 21, under the names RBC and DAR.

On 26 Jul 21, according to AF Form 281, *Notification of Change in Service Member's Official Records*, the applicant's name was changed from RBC to DAR in the Military Personnel Records System.

For more information, see the excerpt of the applicant's record at Exhibit B.

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 name changes on the DD Form 214 based on error under the following conditions:

(1) the DD Form 214 was erroneous when issued; (2) the applicant provides adequate proof (True Copy Raised Seal, Notarized, or official digital document with electronic signature).

APPLICABLE AUTHORITY/GUIDANCE

SAF/MR memorandum, *Guidance to the Air Force Board for Correction of Military Records*, dated 9 Mar 15, states that while the Board generally has the authority to correct an applicant's records to reflect a legal change to the applicant's name, it should exercise discretion in doing so. The DD Form 214 is primarily created for the benefit of the veteran to establish entitlements to various government programs, or in seeking employment with organizations that grant veteran's preferences. A DD Form 214 may constitute an injustice when the veteran asserts that presenting a DD Form 214 that lists the old name effectively requires a needlessly intrusive explanation of personal history. This type of injustice may arise in situations such as when the name change is transgender-related or associated with a divorce.

A complete copy of the SAF/MR memorandum is at Exhibit C.

APPLICANT'S REVIEW OF APPLICABLE AUTHORITY/GUIDANCE

The Board sent a copy of the SAF/MR memorandum to the applicant on 16 Dec 21 for comment (Exhibit D), but has received no response.

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 thoroughly reviewing all Exhibits, the Board concludes the applicant is the victim of an injustice. Pending update of DoDI 1336.01, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*, to allow administrative correction of the DD Form 214 without action of the Board, and based on recommendations from the Office of the Secretary of Defense Separations Standardization Working Group, the Board has established a precedent of granting requests for name changes on the DD Form 214 based on error under the following conditions: (1) the DD Form 214 was erroneous when issued; (2) the applicant provides adequate proof (True Copy Raised Seal, Notarized, or official digital document with electronic signature). In the present case, the Board finds the applicant has met the criteria noted above. Therefore, the Board recommends the applicant's records be corrected as indicated below.

RECOMMENDATION

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that the DD Form 214, *Certificate of Release or Discharge from Active Duty*, issued in conjunction with the 3 March 2021 discharge, be declared void; a new DD Form 214 be issued to reflect the current legal name in Block 1; and no entries be made on the reissued DD Form 214 indicating the name was changed or the DD Form 214 was administratively reissued.

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-2021-02579 in Executive Session on 17 Mar 22:

, Panel Chair

, Panel Member
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 28 Jun 21.

Exhibit B: Documentary Evidence, including relevant excerpts from official records.

Exhibit C: Memorandum, SAF/MR, dated 9 Mar 15.

Exhibit D: Notification of Memorandum, SAF/MRBC to Applicant, dated 16 Dec 21.

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.

X

Board Operations Manager, AFBCMR