

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2021-02796

XXXXXXXXXXXXXXXXXXXX

COUNSEL: NONE

XXXXXXXXXXXXXXXXXXXX

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 is a transgender man and legally changed his name to align with his gender identity. The appearance of his old name on his DD Form 214 is an injustice because it discloses his transgender status each time he shows the document.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force staff sergeant (E-5).

The applicant served in the Air Force from 5 Mar 79 to 24 Aug 84, under the names XXX and XXX.

On 24 Aug 84, the applicant was discharged with a separation code and corresponding narrative reason for separation of MDF, *Pregnancy*.

On 22 Jan 21, pursuant to a change of gender, the applicant obtained a court order to change his name to XXX.

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 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.

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 Mar 22 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 reviewing all Exhibits, the Board concludes that the applicant is the victim of an injustice. The Board finds the applicant has established that presenting his DD Form 214 with the previous legal name effectively requires a needlessly intrusive explanation of personal history. In addition, while the applicant did not specifically request it, the Board finds the applicant's current separation code and corresponding narrative reason should also be changed to preclude further explanation of his personal history. Therefore, the Board recommends correcting the applicant's record 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 24 Aug 84 discharge, be declared void; a new DD Form 214 be issued to reflect the current legal name in Block 1; a separation code and corresponding narrative reason for separation of JFF, *Secretarial Authority*; 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 Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2021-02796 in Executive Session on 18 May 23:

, 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 30 Jul 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 Mar 22

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

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Board Operations Manager, AFBCMR