

## RECORD OF PROCEEDINGS

**IN THE MATTER OF:**

**DOCKET NUMBER:** BC-2021-03498

XXXXXXXXXXXX

**COUNSEL:** NONE

(AKA) XXXXXXXX

**HEARING REQUESTED:** NO

### APPLICANT'S REQUEST

The name on her DD Form 214, *Report of Separation from Active Duty*, be changed to reflect her current legal name.

### APPLICANT'S CONTENTIONS

Her last name has changed due to marriage. She needs a DD Form 214 in her current legal last name to be eligible for veteran benefits.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a former Air Force airman (E-2).

The applicant served in the Air Force from 28 Jun 73 to 2 Jun 74, under the name CJS.

On 5 Sep 00, pursuant to a marriage, the applicant changed her name to CJW.

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

### APPLICABLE AUTHORITY/GUIDANCE

Air Force policy does not authorize the correction of records of former Airmen to show name changes occurring after discharge (AFI 36-2608, *Military Personnel Records System*, Table A7.3 [Name Changes]). In particular, if the name appearing on the DD Form 214 was correct at the time it was created, the AFI would not allow a correction, even to reflect a subsequent, legal name change. The past practice of the Board has been to follow the AFI in all cases except those where the applicant seeks to revert to either a maiden name or the name under which he or she entered service, or the Board finds a particular injustice that warrants an exception to policy, such as noted below in the SAF/MR memorandum.

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 11 Aug 22 for comment (Exhibit D) but has received no response.

### **FINDINGS AND CONCLUSION**

1. The application was not 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 that the applicant is not the victim of an error or injustice. The Board finds the applicant has not established that presenting their DD Form 214 with the previous legal name effectively requires a needlessly intrusive explanation of personal history. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.

### **RECOMMENDATION**

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

### **CERTIFICATION**

The following quorum of the Board, as defined in DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2021-03498 in Executive Session on 15 Dec 22:

, Panel Chair  
, Panel Member  
, Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 30 Sep 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 11 Aug 22.

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

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Board Operations Manager, AFBCMR