

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-00245

XXXXXXXXXXXXXXXXXX

COUNSEL: NONE

XXXXXXXXXXXXXXXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

The name on his DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, be changed to reflect his corrected legal name.

APPLICANT'S CONTENTIONS

The first name on his birth certificate was corrected.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a former Air Force airman second class (E-3).

The applicant served in the Air Force from 8 Apr 57 to 7 Apr 61, under the name XXX.

On 29 Mar 96, the applicant was issued a corrected birth certificate, which indicates a different spelling of his first name from the first name on the applicant's DD Form 214.

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).

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 7 Nov 22 for comment (Exhibit D) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed, but it is in the interest of justice to excuse the delay.
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, *Armed Forces of the United States Report of Transfer or Discharge*, issued in conjunction with the 7 Apr 61 discharge, be declared void; a new DD Form 214 be issued to reflect the corrected 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-2022-00245 in Executive Session on 19 Jan 23:

, Chair, AFBCMR
, 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 22 Nov 22.
- 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 7 Nov 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.

X

Board Operations Manager, AFBCMR