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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

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DOCKET NUMBER: BC-2022-01566

COUNSEL: NONE

HEARING REQUESTED: NO

APPLICANT'S REQUEST

Her DD Form 214, *Certificate of Release or Discharge from Active Duty*, be changed to reflect:

- Block 1. *Name*, her current legal name.
- Block 19a. *Mailing Address After Separation*, her current mailing address.
- Block 20. *Member Requests Copy 6 Be Sent to* Wor... (vice Wor...) *Office of Veterans Affairs*.

APPLICANT'S CONTENTIONS

Her last name has been officially changed to her maiden name per the court order through Work-Product. Also, her mailing address changed and she would like this change to be reflected on her new/updated DD Form 214.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force senior master sergeant (E-8).

The applicant served in the Air Force from 27 Jun 94 to 26 Jun 07, under the name Work-...

The applicant served in the Air Force from 27 Jun 07 to 6 Nov 15, under the name Work-Pro...

The applicant served in the Air Force from 7 Nov 15 to 31 Aug 16, under the name Work-Pr...

On 31 Aug 16, the applicant was furnished an honorable discharge, with Narrative Reason for Separation: Vol Retirement: Sufficient Service for Retirement, and was credited with 22 years, 2 months, 4 days active service.

On 1 Feb 22, pursuant to a divorce, the applicant obtained a court order to change her name to Work-...

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

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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.

In accordance with Air Force Instruction (AFI) 36-3202, *Separation Documents*, Table 4. *How to Prepare DD Form 214*:

Rule 50., Item 19a, *Mailing Address After Separation*. Obtain from Member. This must be a permanent address or a permanent address of someone who will forward mail to the member.

APPLICANT'S REVIEW OF APPLICABLE AUTHORITY/GUIDANCE

The Board sent a copy of the SAF/MR memorandum to the applicant on 6 Jun 22 for comment (Exhibit D), but has received no response.

AIR FORCE EVALUATION

AFPC/DP2SSR recommends denying the applicant's request to change Block 20 of her DD Form 214. Placement of the state where a member may reside upon separation/retirement is administrative and has no effect on future benefits or entitlement claims.

Additionally, this block was applicable when DD Forms 214 were mailed to Veterans Affairs (VA) Regional Offices around the country; however, the advent of electronic databases has allowed VA offices to receive electronic transmission of completed DD Forms 214, and has discontinued the requirement to mail the forms.

For older DD Forms 214, the VA offices obtain information from other relevant databases and/or directly from the veterans/retirees filing claims, with the understanding that veterans/retirees may move to different locations in the United States and/or transition overseas multiple times long after the original preparation of the form.

The complete advisory opinion is at Exhibit E.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 12 Aug 22 for comment (Exhibit F), 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 their DD Form 214 with the previous legal name effectively requires a needlessly intrusive explanation of personal history. However, for the remainder of the applicant's request, the evidence presented did not demonstrate an error or injustice, and the Board therefore finds no basis to recommend granting that portion of the applicant's request. 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 that the DD Form 214, *Certificate of Release or Discharge from Active Duty*, issued in conjunction with the 31 August 2016 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.

However, regarding the remainder of the applicant's request, the Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the application will only be reconsidered upon receipt of relevant evidence not already considered by the Board.

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-2022-01566 in Executive Session on 11 Oct 22:

Work-Product Panel Chair
Work-Product, Panel Member
Work-Product, Panel Member

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 1 May 22.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Memorandum, SAF/MR, dated 9 Mar15.
- Exhibit D: Notification of Memorandum, SAF/MRBC to Applicant, dated 6 Jun 22.
- Exhibit E: Advisory opinion, AFPC/DP2SSR, dated 9 Jun 22.
- Exhibit F: Notification of advisory, SAF/MRBC to applicant, dated 12 Aug 22.

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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

12/30/2022

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, AFBCMR

Signed by:

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