

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-01796

XXXXXXXXXX

COUNSEL: NONE

(AKA) XXXXXXXXXXXX

HEARING REQUESTED: NO

APPLICANT'S REQUEST

1. The date of birth (DOB) on her DD Form 214, *Certificate of Release or Discharge from Active Duty*, be corrected.
2. The name on her DD Form 214 be changed to reflect her current legal name.

APPLICANT'S CONTENTIONS

She would like for her DD Form 214 to reflect her correct DOB and new last name to match her military records and other systems such as the Defense Enrollment Eligibility Reporting System, Military Personnel Data System, myPers, and the Defense Finance and Accounting Service. When applying for government jobs, her personal information does not match. Her delay in requesting this correction is due to her misplacing her birth certificate and she was unable to change her personal information until she found the required document. Additionally, COVID-19 mandates closed businesses in the city where she previously lived. Further delay was caused because she had to apply for a new social security card, marriage certificate, driver license, and military identification card to proceed.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is a retired Air Force master sergeant (E-7).

The applicant was issued a certified birth certificate that indicates a different DOB from the DOB on her DD Form 214.

The applicant served in the Air Force from 2 Sep 98 to 30 Sep 18 under the name JP.

On 6 Jun 20, pursuant to marriage, the applicant changed her name to JM.

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

APPLICABLE AUTHORITY/GUIDANCE

AFI 36-2608, *Military Personnel Records System*, Table A7.5 (Correction to Date of Birth), Note 3, provides as follows: Do not correct records of former members unless evidence proves the date of birth used while serving with the Air Force was erroneously recorded. Required proof is an unaltered original document from the jurisdiction of the applicant's birth, showing the applicant's name and date of birth.

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 Jul 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 reviewing all Exhibits, the Board concludes the applicant is the victim of an error. The Board finds a preponderance of the evidence substantiates the applicant's contentions in part. Specifically, the applicant's date of birth used while serving with the Air Force was erroneously recorded. However, regarding the applicant's request for a name change, the Board determined the applicant has not established that presenting her DD Form 214 with the previous legal name effectively requires a needlessly intrusive explanation of personal history. 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 30 Sep 18 discharge, be changed to reflect the correct DOB in Block 5.

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-2022-01796 in Executive Session on 19 Jan 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 4 Jul 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 11 Jul 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