



Work-Product

**UNITED STATES AIR FORCE
BOARD FOR CORRECTION OF MILITARY RECORDS**

RECORD OF PROCEEDINGS

IN THE MATTER OF: **DOCKET NUMBER:** BC-2022-02051
[Redacted] **COUNSEL:** NONE
(AKA) [Redacted] **HEARING REQUESTED:** NO

APPLICANT’S REQUEST

- 1. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, be changed to reflect his current legal name.
- 2. His previously issued DD Form 215, *Correction to DD Form 214, Certificate of Release or Discharge from Active Duty*, be incorporated into his updated DD Form 214.

APPLICANT’S CONTENTIONS

He changed his name on 23 August 2019, to disassociate himself from his past legal history. The appearance of his old name on his DD Form 214 is an injustice. It allows people to discover that he changed his name, and what his old name was; to which he is under no legal obligation to disclose.

Many employers, and private organizations google its members or potential members, which potentially discloses his legal history. Despite the fact his criminal conviction was dismissed and expunged from his record on 27 March 2012, he will undergo an injustice due to the social stigma and discrimination.

The applicant’s complete submission is at Exhibit A.

STATEMENT OF FACTS

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

On 17 November 1989, according to DD Form 214, provided by the applicant, he entered the Regular Air Force.

On 18 May 1992, according to DD Form 214, the applicant was honorably discharged and transferred to the Air National Guard. Item 6, *Reserve Obligation Termination Date*, reflects “N/A” and item 23, *Type of Separation*, reflects “Discharge.” He was credited with 2 years, 6 months, and 2 days of total active service.

The applicant served in the Air Force from 17 November 1989 to 18 May 1992, under the name [Redacted]



On 25 August 1992, according to DD Form 215, provided by the applicant, the following items were corrected: (1) Item 6, changed to 97 01 15; and (2) Item 23, changed to Release from Active Duty.

On 27 April 2012, according to “Order for Dismissal,” provided by the applicant a Judicial Officer from the [City] Superior Court granted the petition to reduce the felony to a misdemeanor and ordered the plea, verdict, or finding of guilt be set aside and vacated and a plea of not guilty be entered and that the complaint be, and is hereby, dismissed.

On 23 April 2019, according to a Certificate of Rehabilitation, provided by the applicant, a Superior Court Judge ordered, adjudged, and decreed, the applicant has been rehabilitated and is fit to exercise all civil and political rights of citizenship and the Governor granted him a full pardon.

On 23 August 2019, according to a Court provided by the applicant, his name was changed from Work-Product to Work-Product

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

APPLICABLE AUTHORITY/GUIDANCE

Title 10, United States Code, Section 1168: Discharge or release from active duty: limitation; DoDI 1336.01, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; AFI 36-3202, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; DD Form 214 Total Force Personnel Services Delivery Guide. The DD Form 214 is prepared in accordance with the aforementioned publications and is used to record qualifying active duty service.

DD Form 215 corrects errors found after a DD Form 214 is issued or completes a DD Form 214 with up-to-date information.

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.

SAF/MR memorandum, *Guidance to the Air Force Board for Correction of Military Records*, dated 9 March 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 30 September 2022, 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 the applicant is not the victim of an error or injustice. The Board concedes the applicant has been granted a full pardon from his Governor and the applicant believes the appearance of his former name on the DD Form 214 is an injustice because it allows people to discover that he changed his name, which he is under no legal obligation to disclose. However, he has not established that presenting his DD Form 214 with the previous legal name effectively requires a needlessly intrusive explanation of personal history. Should the applicant provide evidence he suffered an injustice, the Board may be willing to reconsider his request. In addition, the applicant requests his previously issued DD Form 215 be incorporated into a new DD Form 214. However, as noted above a DD Form 215 was issued to the applicant in 1992 to correct errors to his DD Form 214, which is sufficient evidence the record was corrected. Accordingly, the Board recommends against correcting the applicant’s records.

RECOMMENDATION

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, 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 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-2022-02051 in Executive Session on 20 April 2023:

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

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

- Exhibit A: Application, DD Form 149, w/atchs, dated 24 July 2022.
- Exhibit B: Documentary Evidence, including relevant excerpts from official records.
- Exhibit C: Memorandum, SAF/MR, dated 9 March 2015.
- Exhibit D: Notification of Memorandum, SAF/MRBC to Applicant, dated 30 September 2022.

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.

5/9/2023

X *Work-Product*

Board Operations Manager, AFBCMR
Signed by: *Work-Product*