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UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02135

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COUNSEL: NONE

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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 current legal name.

APPLICANT'S CONTENTIONS

His middle name was recorded in error. He would like his DD Form 214 corrected, so all of his legal documents reflect his correct name.

The applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force sergeant (E-4).

The applicant served in the Air Force from 25 Oct 66 to 5 Jul 70, under the name Work-Product.

On 21 May 76, the applicant was issued a certified birth certificate, which indicates a different middle name from the middle 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. Nonetheless, any such name change should be limited only to the DD 214; any change to an applicant's other records to reflect a post-service name change should rarely be recommended, and only in the most unusual cases. 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

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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 26 Aug 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 the applicant's certified birth certificate meets the criteria noted above for correction of the DD Form 214. 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, *Armed Forces of the United States Report of Transfer or Discharge*, issued in conjunction with his 5 Jul 70 discharge, be declared void; a new DD Form 214 be issued to reflect the applicant's 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 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-2022-02135 in Executive Session on 17 Aug 23:

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 5 Jul 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: SAF/MR Name Change Memorandum, dated 9 Mar 15.
- Exhibit D: Notification of Memorandum, SAF/MRBC to applicant, dated 26 Aug 22.

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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.

10/13/2023

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Board Operations Manager, AFBCMR

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