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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2022-02842

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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

He has been trying for several years to get his DD Form 214 corrected. He needs this so he can get a commissary card.

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 28 Feb 63 to 27 Feb 67, under the name **Work-P...**

On 29 Sep 16, the applicant was issued a certified birth certificate, which indicates a different name (**Work-P...**) from the name on his 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 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

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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

On 13 Feb 23, the Board sent a copy of the SAF/MR memorandum to the applicant 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, *Certificate of Release or Discharge from Active Duty*, issued in conjunction with the 27 February 1967 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.

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-2022-02842 in Executive Session on 20 Apr 23:

Work-Product Panel Chair

Work-Product 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 9 Mar 21.
- 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 13 Feb 23.

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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.

7/19/2023

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Board Operations Manager, AFBCMR

Signed by: *Work-Product*

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