

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-00086

XXXXXXXXXX

COUNSEL: NONE

(AKA) XXXXXXXXX

HEARING REQUESTED: YES

APPLICANT'S REQUEST

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

- a. Change in type of separation, narrative reason for separation, and separation date.
- b. Her current legal name and mailing address.

APPLICANT'S CONTENTIONS

She was placed on the Temporary Disability Retired List (TDRL) on 29 Oct 14, with Retirement as her Type of Separation and her Narrative Reason for Separation as Disability Temporary (Enhanced). On 14 Nov 17, she was notified by Special Order that effective 4 Dec 17, she was removed from the TDRL and discharged by reason of physical disability. On 15 Dec 17, she was notified by Special Order (Amendment) that her disability was incurred in a combat zone during the performance of duty in combat-related operations as designated by the Secretary of Defense.

Her name changed from XXX to XXX and her mailing address after separation has changed. She is requesting her DD Form 214 be corrected to reflect these changes.

On 28 Oct 14, the applicant was furnished and honorable discharge, with Type of Separation: Retirement, Narrative Reason for Separation: Disability Temporary (Enhanced), and credited with 14 years, 5 months, 12 days active service.

STATEMENT OF FACTS

The applicant is an honorably discharged Air Force staff sergeant (E-5).

On 17 May 00, according to DD Form 4, *Enlistment/Reenlistment Document – Armed Forces of the United States*, the applicant entered the Regular Air Force under the name XXX.

On 28 Oct 14, according to DD Form 214, the applicant was furnished and honorable discharge, with Type of Separation: Retirement, Narrative Reason for Separation: Disability Temporary (Enhanced), and credited with 14 years, 5 months, and 12 days active service.

On 29 Oct 14, according to Special Order No. XXXX, dated 8 Aug 14, the applicant was placed on the TDRL in the rank of staff sergeant with compensable percentage for physical disability of 50 percent.

On 4 Dec 17, according to Special Order No. XXXX, dated 14 Nov 17, the applicant was removed from the TDRL and discharged in the rank of staff sergeant by reason of physical disability with entitlement to disability severance pay.

On 15 Dec 17, according to Special Order No. XXXX, Special Order No. XXXX, dated 14 Nov 17, was amended to reflect: Disability was incurred in a combat zone or incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense (NDAA08, Section 1646): YES.

The applicant served in the Air Force from 17 May 00 to 4 Dec 17, under the name XXX.

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

AIR FORCE EVALUATION

AFPC/DP2SSR (Policy and Procedures) recommends denying the application. There is no error or injustice with the DD Form 214 preparation. According to her master personnel record, the applicant enlisted in the military while married and her name was reflected as XXX. Her maiden name on her security clearance documents is reflected as XXX. In accordance with SAF/MR memorandum, dated 25 Jul 22, name changes will be done when the change is based on a gender change as codified by court order, divorce where the service member is returning to their maiden name or name used upon entry as codified by a court order, or basic misspellings. The applicant is not requesting a change back to an original name on an enlistment contract or contending misspelling.

Furthermore, in accordance with Air Force Instruction (AFI) 36-3202, *Separation Documents*, Table 2. *Issuing DD Form 214*, Rule 18, dated 22 Nov 05, a DD Form 214 will not be re-issued as a result of a service member being removed from the TDRL. The Disabilities Office should have provided the applicant with all documentation necessary to keep with the original DD Form 214 to provide to the Department of Veterans Affairs (VA) or any other agency inquiring as to her status.

Finally, DD Form 214, Block 19a (mailing address) and 19b (address of nearest living relative) are administrative only and are used internally by the Air Force Personnel Center (AFPC) in the event the service needs to contact the service member prior to discharge or retirement. They have no impact on benefits or entitlements and are not changed or corrected once the member has departed the service. Retired service members are required to keep their address information current in the Defense Eligibility Enrollment Reporting System and to inform their local VA of any address changes since former service members may move on multiple occasions after departing the service.

The complete advisory opinion is at Exhibit C.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION

The Board sent a copy of the advisory opinion to the applicant on 6 Apr 23 for comment (Exhibit D) but has received no response.

APPLICABLE AUTHORITY/GUIDANCE

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 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 E.

APPLICANT'S REVIEW OF APPLICABLE AUTHORITY/GUIDANCE

The Board sent a copy of the SAF/MR memorandum to the applicant on 19 Oct 23 for comment (Exhibit F) but has received no response.

FINDINGS AND CONCLUSION

1. The application was not timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After thoroughly reviewing all Exhibits, the Board concludes that the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP2SSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. In accordance with AFI 36-3202, the DD Form 214 is not re-issued when a service member is removed from the TDRL. Additionally, the Board finds the applicant has not established that presenting their DD Form 214 with the previous legal name effectively requires a needlessly intrusive explanation of personal history. Finally, address information on the DD Form 214 is for AFPC internal use only and is not amended after the service member separates. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. While the applicant asserts a date of discovery within the three-year limit, the Board does not find the assertion supported by a preponderance of the evidence. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.
4. The applicant has not shown a personal appearance, with or without counsel, would materially add to the Board's understanding of the issues involved.

RECOMMENDATION

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; 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 DAFI 36-2603, paragraph 2.1, considered Docket Number BC-2023-00086 in Executive Session on 16 Nov 23:

, Panel Chair
, Panel Member
, Panel Member

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

Exhibit A: Application, DD Form 149, w/atchs, dated 14 Dec 22.
Exhibit B: Documentary Evidence, including relevant excerpts from official records.
Exhibit C: Advisory Opinion, AFPC/DP2SSR, w/atchs, 14 Mar 23.
Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 6 Apr 23.
Exhibit E: Memoranda, SAF/MR, dated 9 Mar 15 and 25 Jul 22.
Exhibit F: Notification of Memoranda, SAF/MRBC to Applicant, dated 19 Oct 23.

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.

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Board Operations Manager, AFBCMR