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

RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2023-02534

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COUNSEL: NONE

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HEARING REQUESTED: NO

APPLICANT’S REQUEST

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, be changed to reflect:

- a. His current legal name.
- b. His correct date of birth (DOB).

APPLICANT’S CONTENTIONS

He would like for his DD Form 214 to reflect his legal name and correct DOB to establish consistent information between the Department of Veterans Affairs and other establishments, such as state government and the private sector. He is currently seeking an updated veteran’s Certificate of Eligibility and would like his correct name and DOB reflected.

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 21 May 69 to 30 Apr 73, under the name Work-....

On 15 Aug 11, the applicant obtained a court order to change his first name to a different name from the first name reflected on his DD Form 214.

On 14 Sep 11, the applicant was issued a certified birth certificate, which indicates a different DOB from the DOB on the applicant’s DD Form 214.

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.

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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 C.

APPLICANT'S REVIEW OF APPLICABLE AUTHORITY/GUIDANCE

The Board sent a copy of the SAF/MR memorandum to the applicant on 1 Nov 23 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 his 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, *Armed Forces of the United States Report of Transfer or Discharge*, issued in conjunction with the 30 Apr 73 discharge, be changed to reflect the correct DOB in Block 9.

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

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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-2023-02534 in Executive Session on 28 Mar 24:

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 20 Jul 23.
- 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 1 Nov 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.

2/11/2025

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Board Operations Manager, AFBCMR
Signed by: Work-Product

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