

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 May 2024

DOCKET NUMBER: AR20230011588

APPLICANT REQUESTS: Reconsideration of her previous request to correct her DD Form 214 (Report of Separation from Active Duty) to show her current name.

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Bangkok Plastic Surgery Clinic Certificate of Post-operative Surgery, dated 9 November 2010
- Driver's Licenses, dated 3 May 1988, 2 January 1990, and 2 February 2022
- Court Order Name Change, dated 6 June 2023

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20220007589 on 22 March 2023.

2. The applicant states she did not include the court order that changed her name in her previous request which she now provides.

3. The applicant provides:

a. DD Form 214 item 1 (Last Name – First Name- Middle Name) shows her name as Ak___, Ro___ Ja___.

b. Her certificate that certifies her sex reassignment from male to female.

c. Three driver's licenses which shows her gender as female and Last Name as Ak___ and First Name as Ro___. There is no middle name on either driver's license.

d. Court Order changing her Last Name to Ak___ First Name Ro___ Middle Name A__.

4. A review of the applicant's service record shows:

a. She enlisted in the Regular Army on 15 February 1974. Item 5 (Last Name – First Name – Middle Name) of her DD Form 4 (Enlistment Contract – Armed Forces of the United States) shows her name as Ak___, Ro___ Ja.

b. The applicant was honorably discharged on 31 March 1975, under the provisions of AR 635-200, paragraph 5-37, with the separation code of KNM (Army Expeditious Discharge). She served 1 year 1 month and 16 days of net service this period. Her DD Form 214 shows her name in item 1 (Last Name – First Name – Middle Name) as Ak___, Ro___ Ja the contested name.

5. On 11 April 2023, a letter was sent to the applicant informing her that her request was denied for failure to provide a court order showing that she had legally changed her name.

6. The ABCMR limits corrective action to documents that can be individually reviewed after a Soldier's separation, such as the DD Form 214. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge. The DD Form 214 is a historical document that should reflect the record as it existed at the time the DD Form 214 was created. A post-service name change does not retroactively create an error on the DD Form 214. However, the unique circumstances of transgender individuals may prevent or delay receipt of benefits for which these individuals must provide a DD Form 214 as proof of military service.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and Superior Court of Arizona court order, dated June 6, 2023, the Board determined there is sufficient evidence to grant relief. Based on this, the Board granted relief to correct the applicant's name as it appears on the court order.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by:

- a. voiding her current DD Form 214 for the period ending 31 March 1975, issuing her a new DD Form 214, showing her name as shown on the court-ordered name change.
- b. No entries should be made in block 18 of the reissued DD Form 214 listing her previous name or indicating the DD Form 214 was administratively reissued.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

- 1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to

timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active-duty service or control of the Active Army. It established standardized policy for preparing and distributing the DD Form 214. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The specific instructions for item 1 (Last Name – First Name – Middle Name) stated to enter the last name, first name, and full middle name or names.

//NOTHING FOLLOWS//