

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 June 2024

DOCKET NUMBER: AR20230012997

APPLICANT REQUESTS: correction of all military service records to reflect the gender as X.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Birth Certificate
- Social Security Card

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states the gender should be X.
3. A review of the applicant's service records show:
 - a. DD Form 2808 (Report of Medial Examination) and DD Form 1966/1 (Record of Military Processing), dated 19 April 2010 medically cleared the applicant for entry into the military and listed the applicant's sex as female.
 - c. The applicant enlisted in the Army National Guard (ARNG) on 19 April 2010. The applicant entered active duty for training on 29 June 2010, for the purpose of completing initial entry training. Upon completion of initial entry training the applicant was awarded military occupational specialty 91G (Fire Control Repairer).
4. The applicant was honorably released from active duty and returned to the control of the ARNG. The DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant served 9 months and 15 days of active service.

5. The applicant provides:

- Birth Certificate, dated 17 December 2022, which reflects the sex of registrant as X (the requested gender)
- Social Security Administration Card, which reflects the applicant's name change
- Pennsylvania Identification Card, which reflects the sex as X

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 The DD Form 214 is a historical document that should reflect the record as it existed at the time the DD Form 214 was created.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant enlisted in the ARNG on 29 April 2010 and identified as a male. Any correction to the applicant's ARNG records should be addressed to the State ARNG, custodian of the applicant's service records. Additionally, the applicant entered active duty for training from 29 June 2010 and was honorably released from active duty and returned to the control of the ARNG. The DD Form 214 the applicant was issued does not identify a specific gender. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. The DD Form 214 reflects the record as it existed at the time the DD Form 214 was created.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

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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 635-8 (Separation Processing and Documents), currently in effect and dated 10 February 2014, prescribes the transition processing function of the military personnel system, including preparation of the DD Form 214 (Certificate of Release or Discharge from Active Duty). The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current

active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge.

//NOTHING FOLLOWS//