

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 September 2024

DOCKET NUMBER: AR20230013925

APPLICANT REQUESTS:

- correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) to show her legal name change
- in effect, amendment of her gender

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- Court Order for Name Change
- State Driver License
- Social Security Card
- U.S. Army Reserve Discharge Order

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 she wants to align her current gender identity and legal name.
3. The applicant's DD Form 4 (Enlistment/Reenlistment Document) shows the applicant enlisted in the Regular Army on 9 July 2007. The applicant disclosed their name as "Aa__ Ad__ Jo__" and their gender as "male."
4. The applicant reenlisted on 27 October 2009. The applicant reenlistment document also listed their name and agender as "Aa__ Ad__ Jo__" and their gender as "male" respectively.
5. The applicant was honorably released from active duty on 26 October 2012 and transferred to the U.S. Army Reserve Control Group (Reinforcement) to complete their

service obligations. The DD Form 214 reflects the applicant's full name "Aa__ Ad__ Jo__."

6. The applicant was honorably discharged from the U.S. Army Reserve on 15 July 2014. The applicant's discharge order reflects the full name "Aa__ Ad__ Jo__."

7. Although the applicant does not provide a medical document of gender reassignment; the applicant provides:

a. Court Order, dated 23 July 2023, that approved the applicant's name change from "Aa__ Ad__ Jo__" to "Er__ Ad__ Ki__."

b. Social Security Card, issued on 13 October 2023, under the name "Er__ Ad__ Ki__."

c. State Driver License, expires on 5 July 2028, under the name "Er__ Ad__ Ki__."

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy and regulation. Upon review of the applicants petition and available military records, the Board determined there is sufficient evidence to grant partial relief. Based on this, the Board granted relief to correct the applicant's name as that reflected on her Final Decree for Change of Name.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted for the applicant's request to amend her gender marker. The Board determined there was no error or specific record to correct.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 26 October 2012 to show her name as that reflected on her Final Decree for Change of Name.
2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to amendment of her gender marker.

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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, prescribes the transition processing function of the military personnel system, including preparation of the DD Form 214. It states:

a. 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.

b. For block 1, compare with the original enlistment contract or appointment order and review the official record for possible name changes. If a name change has occurred, list other names of record in block 18 (Remarks).

c. For block 18, in part, when a DD Form 214 is administratively issued or reissued, enter "DD FORM 214 ADMINISTRATIVELY ISSUED/REISSUED ON (date)." However, do not make this entry if the appellate authority, Executive Order, or Headquarters, Department of the Army, directs otherwise.

d. On direction of the ABCMR or Army Discharge Review Board, or in other instances when appropriate, the Deputy Assistant Secretary of the Army (Review Boards) (DASA (RB)), Army Review Boards Agency (ARBA), is authorized to issue or reissue DD Forms 214. Once a DD Form 214 has been issued, it will not be reissued except under specified circumstances including when it is determined that the original DD Form 214 cannot be properly corrected by issuance of a DD Form 215 (Correction to DD Form 214).

//NOTHING FOLLOWS//