

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 December 2024

DOCKET NUMBER: AR20240005764

APPLICANT REQUESTS: correction of her DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show her new name.

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

- DD Form 149 (Application for Correction of Military Record)
- State Driver License, U.S. Passport, and MEDICARE Card
- Order of Name Change and Reissued Record of Birth
- Social Security Card
- Physician's Statement In Support of Amendment of a Birth Certificate Following Medical Intervention for the Purpose of Sex Reassignment, 31 July 2023
- Letter Certifying Applicant's Gender Change, 18 March 2021

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 is requesting amendment of her DD Form 214 to reflect the legal change of her name from [REDACTED] to [REDACTED] together with the amendment of such other records as may be appropriate to reflect her current legal name and gender. She is transgender (male-to-female, assigned male at birth) and since her service have transitioned physically, socially and legally to the female gender, including gender conforming surgeries and legally changing her name from [REDACTED] to [REDACTED]. Copies of her court name change order, driver's license, passport, amended birth certificate and other supporting documents are submitted herewith. Although her identity (including gender) is well-supported by those documents, she must provide a DD Form 214 in order to receive benefits to which she is entitled as a U.S. combat veteran. The only apparent link between her DD Form 214 and her current identity is her name change order, and her current middle name (not to mention her appearance) is obviously a female one, requiring explanation and putting her at risk of the discrimination (and potential aggression) against transgender people

that is sadly so common. She is requesting amendment of her DD Form 214 in order to prevent such injustice.

3. The applicant's DD Form 47 (Record of Induction) shows the applicant was inducted into the Army of the United States on 19 October 1966. The applicant disclosed their name as [REDACTED] and their gender as "male."

4. The applicant's DD Form 214 also shows the applicant was honorably released from active duty on 6 July 1968 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 [REDACTED]

5. The applicant provides:

a. State Court Order for name change, 21 July 2021, and reissued record of birth reflective of the applicant's name change from [REDACTED] to [REDACTED]

b. U.S. Passport, State Driver License, Social Security Card, and MEDUCARE Card reflective of the new name [REDACTED]

c. Letter Certifying Applicant's Gender Change, 18 March 2021, in which a physician states the applicant has had appropriate clinical treatment for transition to female.

d. Physician's Statement In Support of Amendment of a Birth Certificate Following Medical Intervention for the Purpose of Sex Reassignment, 31 July 2023, in which the physician certifies that the applicant has completed medical intervention, appropriate for the patient, for the purpose of permanent sex reassignment. In the physicians medical opinion the patient is not of the sex recorded at birth and the sex on their amended birth certificate should be listed as: Female.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The evidence of record shows the applicant's name was listed as [REDACTED] and this is the name shown on the applicant's DD Form 214. The ABCMR has, in the past, denied similar applications on the basis that 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. The underlying reasoning has been that a post-service name change does not retroactively create an error on the DD Form 214. The applicant's unique circumstances

as a transgender individual warrant further consideration, because denying the applicant's request could prevent or delay receipt of benefits for which the applicant must provide a DD Form 214 as proof of military service. Therefore, the Board determined relief is warranted.

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 that the evidence presented was sufficient to warrant a recommendation for relief. As a result, the Board recommends that the Department of the Army records of the individual concerned be corrected by reissuing the DD Form 214 for the period ending 6 July 1968 with the name in block 1 entered as the name shown on the applicant's court order. No entries should be made in block 18 (Remarks) of the reissued DD Form 214 listing a previous name or indicating that the DD Form 214 was administratively reissued. This recommended relief is limited to the DD Form 214 in question and does not extend to any other documents in the applicant's military records.

12/20/2024

X

CHAIRPERSON

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//