

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 February 2025

DOCKET NUMBER: AR20240005983

APPLICANT REQUESTS: reconsideration of a previous request to correct the military records to reflect her updated name from Ne__, Ju__ La__ to Ne__, Ja*** Ly*** and updated gender from male to female.

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

- DD Form 149 (Application for Correction of Military Record)
- ABCMR Docket Number AR20230008705, 31 January 2023
- Order on Verified Petition for Change of Gender, 16 June 2022
- Judgment Entry – Change of Name of Adult, 10 May 2022

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 AR20230008705 on 31 January 2024.

2. The applicant states she legally changed her name and gender from Ju__ La__ Ne__ to Ja*** Ly*** Ne__ and from male to female. The applicant wants these changes to be reflected on the military service records as they already are on my VA Records. All the applicant's other official documents already reflect these changes. Updating the military records will align with the applicant's other official records. The applicant adds in a separate statement in previous correspondence, the Board found the applicant's driver's license, social security card and birth certificate insufficient to correct the record without a court order. The applicant is now enclosing two court orders. One from [State] (birth state) authorizing her gender marker change from "male" to "female". The second is a court order from [State] (home state) authorizing her name to be changed. Based on the ABCMR's previous correspondence this additional evidence should be enough to approve my application.

3. The applicant's DD Form 4 (Enlistment/Reenlistment Document) shows the applicant enlisted in the U.S. Army Reserve under the Delayed Entry Program (DEP) on 24 October 2002, using the full name (Last, First, Middle) as Ne__, Ju__ La__ and identifying as a male.

a. The applicant was discharged from the DEP and enlisted in the Regular Army on 9 April 2003, using the same name as shown on the enlistment contract and identifying with the same gender.

b. The applicant's (first) DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant was discharged from active duty on 4 August 2003 due to entry level performance and conduct after completing 3 months and 26 days of active service. The DD Form 214 for this period reflects the applicant's full name (Last, First, Middle) as Ne__, Ju__ La__.

4. A second DD Form 4 shows the applicant enlisted in the Regular Army on 20 September 2007, using the full name (Last, First, Middle) as Ne__, Ju__ La__ and identifying as a male.

a. The applicant reenlisted in the Regular Army on 5 May 2011, also using the full name (Last, First, Middle) as Ne__, Ju__ La__ and identifying as a male.

b. The applicant's (second) DD Form 214 shows the applicant was honorably discharged from active duty on 29 November 2012 due to physical standards after completing 5 years, 2 months, and 10 days of active service. The DD Form 214 for this period also reflects the applicant's full name (Last, First, Middle) as Ne__, Ju__ La__.

5. On 31 January 2024, the Board denied the applicant's request to change his full name and his gender. The Board stated: Upon review of the applicant's petition and available military records, the Board determined the record is absent a court order changing the applicant's name legally. The Board found the applicant's driver's license, social security card and birth certificate insufficient to correct the record without a court order. Based on this, the Board denied relief. The Army has an interest in maintaining the integrity of its records for historical purposes. The information in those records must reflect the conditions and circumstances that existed at the time the records were created. In the absence of evidence that shows a material error or injustice, there is a reluctance to recommend that those records be changed.

6. The applicant provides:

a. State Court Order for name change, 10 May 2022 reflective of the applicant's name change from Ne__, Ju__ La__ to Ne__, Ja*** Ly*** (same last name but different first and middle names).

b. State Court Order for gender change, 16 June 2022, approving the applicant's petition to change the sex/gender to Female.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. One potential outcome discussed was to deny relief based upon the applicant using the contested name during the entire period of military service. However, based upon the provided court order and current policy authorizing a name change when provided a post-service court order, the Board concluded there was sufficient evidence to change the applicant's name reflected on his DD Form 214.

The board found no error or injustice related to the applicant's request to annotate his gender change because the applicant's DD Form 214 does not currently annotate any specific gender. Therefore, the Board recommended denying that portion of the application.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:X	:X	:X	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by changing the name annotated to reflect that reflected Ne___, Ja*** Ly***, from the provided court order.
2. The Board further determined 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 changing the reflected gender.

X //signed//

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:

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//