



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 5096-01
28 September 2001

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a retired member of the Marine Corps, filed enclosure (1) with this Board requesting in effect, that the DD Form 214 and associated service pages be corrected to show her current name and sex.

2. The Board, consisting of Messrs. Pfeiffer, Novello, and Pauling, reviewed Petitioner's allegations of error and injustice on 26 September 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner, who was then a male, enlisted in the Marine Corps on 25 October 1972 at age 17.

d. On 2 May 1973 Petitioner received nonjudicial punishment for failure to obey a lawful order. Petitioner was injured on 21 July 1973 and was placed on the Temporary Disability Retired List. He was transferred to the Retired List on 1 August 1978 by reason of physical disability.

e. In support of the application, Petitioner submitted a

doctor's statement and a court order which reflects that she has changed her name from Michael P. Disimone to Danielle Disimone.

f. In some situations, a former servicemember will be provided with a "Statement of Service". This document sets forth the individual's name, other identifying data, and the period of time the individual served on active duty and in the Marine Corps. Such a statement could be issued to Petitioner in her current name, and this statement of service would be added to the record.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. The Board believes that it would be appropriate to create a document that will show Petitioner's period of service with her present name and gender. The Statement of Service for Petitioner should set forth her current name and the dates she served in the Marine Corps. However, the Board also believes that a correction to Petitioner's DD Form 214, or any other parts of the service record, would be inappropriate since those records correctly show that a man named Michael P. Disimone served in the Marine Corps from 25 October 1972 to 1 August 1978 when Petitioner was placed on the Retired List. Accordingly, the Board believes that such a Statement of Service should be provided to Petitioner showing her current name and the period of service.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That a Statement of Service be prepared for Petitioner showing the time served in the Marine Corps and her present name and gender.

b. That a copy of the foregoing Statement of Service be placed in Petitioner's naval record.

c. That no further relief be granted.

d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

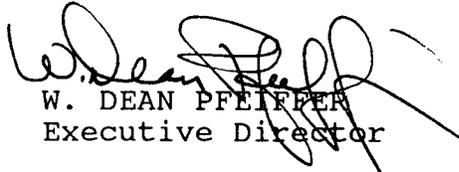
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director