



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No: 777-17

MAY 13 2017

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

Subj: REVIEW NAVAL RECORD OF [REDACTED] USMC,
[PRESENTLY [REDACTED], XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) OSD/DOD Name Change Provisions/Guidance

Encl: (1) DD Form 149 with attachments
(2) Case Summary

1. Pursuant to the provisions of references (a), Petitioner, a former enlisted marine, filed enclosure (1) with this Board requesting a change to her naval record, specifically, to correct the record to reflect a name change. Enclosure (1) applies.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 30 March 2017, 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps and began a period of active duty on 18 June 2007. On 1 April 2011, Petitioner was honorably discharged. In this regard, Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) based on the name used while serving in the Navy, specifically, [REDACTED]

d. At the time of Petitioner's enlistment into the Marine Corps, Petitioner's legal name was [REDACTED]. After discharge from the Marine Corps, Petitioner, who is transgender, had her name legally changed from [REDACTED] to [REDACTED] to align with her gender identity.

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had her name legally changed from [REDACTED] to [REDACTED] to align with her gender identity.

e. Based on the guidance reflected in reference (b), from the Office of the Secretary of Defense (OSD) and Department of Defense (DOD), former military personnel who have legally changed their name and sex, or are the subject of gender reassignment, may have their DD Form 214 changed to accurately reflect their present name and sex/gender. In this regard, the change may allow them to obtain various benefits, services, employment, etc., without being subject to otherwise invasive questions. However, the provisions/guidance only apply to the service-member's DD Form 214, and as such, no further changes will be made to the record.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

The Board notes that Petitioner has provided legal evidence (specifically a [REDACTED] driver's license, a reissued birth certificate, and a State of [REDACTED] Judicial Circuit-Family Division [REDACTED] County Court order changing Petitioner's name [REDACTED]) supporting her request. The Board found that the legal actions taken by civilian authorities to change Petitioner's name to align with her gender identity, along with the provisions/guidance of reference (b), support a change to DD Form 214.

In this regard, the Board noted that normally a DD Form 215 would be issued to correct the record, however, the Board concluded that a new and updated DD Form 214 is warranted to eliminate the possibility of invasive questions. The Board further concluded that no other changes should be made to Petitioner's record, and that both the previously issued DD Form 214 bearing the name [REDACTED] and the new DD Form 214 bearing the name [REDACTED] should remain in the record for historical purposes. In accordance with the foregoing, the Board concluded the DD Form 214 should be corrected to reflect Petitioner's legal name and that Petitioner be issued an updated DD Form 214.

RECOMMENDATION:

That Petitioner's naval record, specifically, Block 1 of the DD Form 214, be corrected to reflect the name [REDACTED] instead of [REDACTED]

That Petitioner be issued a new DD Form 214 which reflects the name [REDACTED]

That no further changes be made to the record.

That a copy of this report of proceedings be filed in Petitioner's naval record, along with the previously issued DD Form 214 which reflects the name [REDACTED] and the updated DD Form 214 which reflects the name [REDACTED]

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That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 26 January 2017.

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.

[REDACTED]

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 Regulation, 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.

[REDACTED]

Executive Director