



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

[REDACTED]  
Docket No: 4875-17  
SEP 15 2017

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]  
USN, [PRESENTLY [REDACTED]]

Ref: (a) 10 U.S.C. 1552  
(b) 10 U.S.C. 654 (Repeal)  
(c) UNSECDEF memo of 20 Sep 11 (Correction of Military Records Following Repeal of 10 U.S.C. 654)

Encl: (1) DD Form 149  
(2) Subject's naval record (DD Form 214)

1. Pursuant to the provisions of references (a) through (c), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting a change to Petitioner's naval record, specifically, to correct the record to reflect a name change, and to change the narrative reason for discharge and reenry code. Petitioner impliedly requested a change to the program designator code (SPD) and the separation authority. Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 August 2017, and pursuant to its regulations, determined that the partial 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 Navy and began a period of active duty on 1 May 1990. On 6 January 1992, she submitted a statement she is a homosexual. In view of the foregoing, administrative separation action was initiated. After consulting counsel, she waived her procedural rights. On 21 January 1992, her Commanding Officer recommended a discharge by

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reason of homosexual admission. The separation authority concurred with the recommendation and directed that she be discharged with a type warranted by service record characterization of service by reason of homosexual admission. Petitioner was discharged on 14 February 1992 with an honorable characterization of service. There is no misconduct or aggravating factors documented in Petitioner's official military personnel file. 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. On 11 September 2009, a District Court ordered and adjudged Petitioner's name change to [REDACTED]

e. The Board may consider applications for name changes to a Petitioner's DD Form 214 to correct an error or remove an injustice. The Petitioner provided justification demonstrating that having the former name on the DD Form 214 causes an injustice. Although the military record was correct at the time it was made, 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 about their personal history. 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.

f. Reference (c) sets forth the Department of the Defense's current policies, standards, and procedures for correction of military records following the "don't ask, don't tell" (DADT) repeal of 10 U.S.C. 654. It provides service Discharge Review Boards with guidance to grant requests to change the narrative reason for discharge to "secretarial authority," SPD code to "JFF," re-characterize the discharge to honorable, and reenlistment code to "RE-1J," when the original discharge was based solely on DADT or a similar policy in place prior to enactment of it, and there are no aggravating factors in the record, such as misconduct.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board notes the legal actions taken by civil authorities to change Petitioner's name and gender. Additionally, the Board noted that the sole basis for discharge was Petitioner's homosexual admission, and that there is no documented misconduct or aggravating factors in Petitioner's record. The Board concluded that the DD Form 214 should be changed to reflect the Petitioner's present name, and that Petitioner be issued "new and updated" DD Form 214, that the narrative reason for discharge, the SPD code, the separation authority, and the reentry code shall be changed. The Board further concluded that no other changes should be made to Petitioner's record, and that the previously issued DD Form 214 and the new DD Form 214 bearing the Petitioner's new name should remain in the record for historical purposes.

In view of the above, the Board directs the following corrective action.

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RECOMMENDATION:

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

Petitioner's naval record be corrected to show that, on 14 February 1992, the narrative reason for discharge was "secretarial authority," the SPD code was "JFF," and the reentry code was "RE-1." Additionally, the separation authority was "MILPERSMAN 1910-164."

Petitioner be issued a DD Form 214 in Petitioner's current name.

No further changes be made to the record.

A copy of this report of proceedings be filed in Petitioner's naval record, along with the previously issued DD Form 214 and the corrected DD Form 214 which reflect Petitioner's name change.

Upon request, the Department of Veterans Affairs be informed that Petitioner's application was received in 26 May 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