



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

[REDACTED]
Docket No: 5851-17
NOV 14 2017

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
[REDACTED] USMC [PRESENTLY [REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) SECNAVINST 5420.193 Series

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

1. Pursuant to the provisions of references (a) and (b), Petitioner, a former member of the Marine Corps, filed enclosure (1) with this Board requesting a change to Petitioner's naval record, specifically, to correct the record to reflect a name change. Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 28 July 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, relevant portions of the 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. Petitioner entered the Navy and began a period of active duty on 8 September 2003 and was honorably discharged on 7 September 2007. Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) based on the name used while serving in the Marine Corps, specifically [REDACTED] (see enclosure (2)).

c. A Circuit Court of the State of [REDACTED] in the County of [REDACTED] ordered and adjudged Petitioner's name change to [REDACTED]

d. 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

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[REDACTED] USMC [REDACTED]

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.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants favorable action. The Board noted the legal actions taken by civil authorities to change Petitioner's name and concluded that the enclosed DD Form 214 should be changed to reflect the Petitioner's present name, and that Petitioner be issued a "new and updated" 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 possibilities of invasive questions. 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.

RECOMMENDATION

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

Petitioner be issued a new DD Form 214 which reflects the 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, DD Form 215, and NAVPERS 1070/615, and the corrected DD Form 214 and corrected NAVPERS 1070/615 which reflect Petitioner's name change.

Upon request, the Department of Veterans Affairs be informed that Petitioner's application was received in 5 July 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

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[REDACTED] USMC [REDACTED]
[REDACTED]

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