



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

TJR:tld
Docket No: [REDACTED]
16 January 2015

MS [REDACTED]
[REDACTED]
[REDACTED]

Dear Ms. [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

The final decision in your case has been approved, a copy of which is enclosed. The approved changes to your naval record will be made by the Commander, Navy Personnel Command (NPC) Code PERS-312)), 5720 Integrity Drive, Millington, TN 38055-3120. Please wait at least 180 days from the date of this letter before contacting NPC about the status of your case.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. J. Reed", is written over a horizontal line.

T. J. REED
Head, Discharge Review Section
Acting

Enclosure

Copy to: (w/o encl)
NPC



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701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR

Docket No: [REDACTED]
16 January 2015

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

Subj: REVIEW NAVAL RECORD OF EX-LT [REDACTED], USN,
[PRESENTLY [REDACTED]], [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
(3) Subject's naval record (DD Form 214)

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting a change to her naval record, specifically, to correct the record to reflect a name change. Enclosures (1) through (3) apply.

2. The Board, consisting of Mr. O'Neill, Mr. Ruskin, and Ms. McCain, reviewed Petitioner's allegations of error and injustice on 12 January 2015 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 was commissioned in the Navy on [REDACTED], served without disciplinary incident, and honorably discharged on [REDACTED], at which time Petitioner was reappointed in the Naval Reserve. The record reflects that in [REDACTED] Petitioner tendered a resignation of commission, which was accepted on 1 [REDACTED]. On [REDACTED] Petitioner was honorably

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released from active duty upon completion of required active service. In this regard, Petitioner was issued a Certificate of Release or Discharge from Active Duty (DD Form 214) based on the name used while servicing in the Navy, specifically, "[REDACTED]".

c. On [REDACTED], a [REDACTED] Judicial Circuit Court ordered and adjudged Petitioner's name change to "[REDACTED]" from [REDACTED]. After undergoing gender reassignment, on [REDACTED], a [REDACTED] Judicial Circuit Court ordered and adjudged an amendment to Petitioner's birth record by changing the sex/gender to "female" from male.

d. Transgender veterans encounter substantial burdens in obtaining post-service benefits because their names, and the gender implied by them, recorded on discharge documents no longer match their legal names. Because of this inconsistency, they may be denied access to benefits and services, or, even if they are ultimately provided the benefit or service, the veteran may have been subjected to delay or invasive questions requiring that he or she provide personal, confidential, and/or medical information to explain the discrepancies between the documents. Without a DD Form 214 that conforms to other identity documents, transgender veterans may also be subjected to an increased risk of employment discrimination because of their gender identity, denial of access to healthcare, and harassment and physical harm.

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 and concludes that in accordance with the provisions/guidance of reference (b), the DD Form 214 should be changed. With that being said, the Board concludes that Petitioner's DD Form 214 should be changed to reflect the present name of [REDACTED], and that Petitioner be reissued 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 and other potential discrimination against the Petitioner. The Board further concluded that no other changes should be made to Petitioner's

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record, and that both the "previously issued DD Form 214 bearing the name of [REDACTED] (sex: male)", the new DD Form 214 bearing the name [REDACTED] (sex: female), and this report of proceedings should remain in the record for historical purposes.

In accordance with the foregoing, the Board concluded that the DD Form 214 should be corrected to reflect Petitioner's legal name and that Petitioner be issued an updated DD Form 214.

RECOMMENDATION:

- a. That Petitioner's naval record, specifically, Block 1 of the DD Form 214, be corrected to reflect the name "[REDACTED]" instead of [REDACTED].
- b. That Petitioner be issued a "new" DD Form 214 which reflects the name "[REDACTED]."
- c. That no further changes be made to the record.
- d. 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].
- e. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received in November 2014.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c), 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.



T. J. REED
Recorder

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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.



ROBERT J. O'NEILL
Executive Director