

Navy

Block 5

Change Block 1 of DD 214 to "LAST NAME, First MI" to conform name to judicial order.

Block 6

It is estimated that as many as 140,000 of the nation's approximately 26 million veterans may be transgender. Notwithstanding their honorable service in the military, these veterans can encounter substantial burdens in obtaining post-service benefits because their names and implied genders memorialized on their military service discharge documents no longer match their names and genders following release from service. The DD 214 is commonly required by employers, particularly for employment in positions which have a preference for veteran candidates. There is no federal law that consistently protects transgender individuals from employment discrimination. Only 17 states and the District of Columbia provide protection from employment discrimination on the basis of gender expression. As a result, transgender veterans face serious possibilities of discrimination in employment, including being fired, being denied a promotion and experiencing harassment on the job. A recent study found 47% of the transgender individuals surveyed had experienced an adverse job outcome, such as being fired, not hired or denied a promotion because of being transgender and that 90% of those surveyed reported experiencing harassment, mistreatment or discrimination on the job or took actions like hiding who they are to avoid it.

The DD 214 is also crucial for veterans to prove their record of service in connection with various veterans' benefits including, among other things, applying for educational opportunities, applying for benefits for their dependents, and for accessing the same benefits they had while on active duty status. Transgender veterans may be systematically denied access to such benefits and services due to the incongruities between the names (and implied genders) that appear on their DD 214s and their current and correct names and genders otherwise reflected accurately in court orders, state identification cards, and revised birth certificates.

Unlike other military records, the DD 214 is designed for a post service audience and is used throughout a veteran's lifetime to provide proof of service. In other words, while most military service records are created primarily for the benefit of the Defense Department, the DD 214 is a document primarily created for the benefit of the veteran to establish entitlement to various government programs or in seeking employment with organizations that grant a veterans' preference. A records correction of the DD 214 is a reasonable remedy when a veteran demonstrates that allowing the DD 214 to remain uncorrected would constitute an injustice, even if it were technically correct when issued.

I also respectfully request that, in order to prevent a potential injustice, any former name used by me while serving in the Navy not be listed in block 18 of my DD 214. The inclusion of my former name in block 18 of my DD 214 could lead to the same injustice of employment discrimination or delayed benefits and privileges that I am seeking to correct by changing my name in block 1 of my DD 214.

In a decision dated January 21, 2015, the Board granted the same relief that I am now requesting, bringing it in agreement on this issue with the Army and Air Force BCMRs. In this decision, the Board concluded that Block 1 of a transgender Navy veteran's DD 214 "should be corrected" to reflect the veteran's changed name, and that the veteran should "be issued a 'new' DD Form 214 which reflects the [changed] name." The Board's reasoning is also instructive here: "[N]ormally a DD Form 215 would be issued to correct the record[;] however, the Board concluded that that a new and updated DD Form 214 is warranted to eliminate the possibilities of invasive questions and other potential discrimination against the Petitioner." A copy of the Navy Board's decision is attached, as well as, a copy of the court order changing my name.

For these reasons and in the interests of justice, I respectfully request that the Board grant the relief I am requesting in this application in order to ensure that, as a veteran who has honorably served her country, I may have an unfettered opportunity to claim the benefits and privileges I have earned through such service and may avoid unwarranted discrimination.