

# Self-Help Guide

## DD214 Name Corrections for Transgender Veterans



The Army and Navy have begun granting requests by transgender veterans seeking to correct their name on their DD214. This brings these services in conformity with the Air Force, which had previously approved a name change request by a transgender veteran. Although the Department of Defense has yet to issue official guidance to veterans seeking to change their name on military separation documents, this guide seeks to provide a step-by-step process to requesting these records corrections.

These changes are made by the branch's Board for Correction of Military Records, referred to in the Navy as the Board for Correction of Naval Records. The following discussion will refer to them generally as the "Board" or "Boards."

### **a. Step One: Obtain a Legal Name and Gender Change**

The Boards will only grant your request to change your name on your DD214 if you first obtain a **legal name and gender change** in your state. If you haven't done so already, this should be your first step.

If your state of residence does not permit a legal gender change, you should provide other documentation to support your change of gender, such as a statement from a licensed physician documenting your change of gender. (We include a sample doctor's letter at the end of this guide.) This is important because the Board will only grant the name change on your DD214 if they have proof of the transgender status of the applicant. (Please note that, under current medical treatment guidelines, gender confirmation surgery is not a requirement for a change of gender).

Note that previous versions of the DD214 included a section for "sex," but the current version of the form does not. If a Board approves your request to change your DD214, you will be issued a new DD214 on the most current version of that form, which will not contain a gender marker. Despite this, you still need to provide the Board with proof of your gender change as well as name change.

VETS HELPING VETS SINCE 1974

### **b. Step Two: Obtain a copy of your DD214**

If you do not already have one, you will need to obtain a copy of your DD214 to include with your application. To request one, use **Standard Form 180**. The form is available at <https://www.archives.gov/files/sf180-request-pertaining-to-military-records-exp-april2018-1.pdf>. Use the chart provided on the form to figure out where to send your DD214 request.

### **c. Step Three: Complete the Board Application – DD 149**

To request that your name on your DD214 be corrected, you will need to fill out an application to the Board using DD Form 149 and send it to your branch’s Board. The DD Form 149 is used for all service branches and it is available at:

<https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0149.pdf>

In addition to submitting a DD Form 149, your application should include:

1. A copy of your DD214
2. Documentation of your legal name change and gender change
3. Your Personal Statement
4. Other evidence to support the correction of your DD214

The DD Form 149 will provide the Board with the information they need to process your records correction, including exactly what information you want changed on your DD214 and an explanation as to why the Board should make these changes. Below is some sample language that may be helpful to review as you fill out DD Form 149. Because the form does not provide much space, you may want to write your answers on a separate sheet of paper. If you need more space, write “see attached” as your response on DD Form 149. Then, attach a separate sheet of paper where you have written or typed out your answers to those questions. Be sure to clearly label on that separate sheet which answer goes with which question. For example, you could include a heading that reads Question 12 followed by your response to question 12, then a heading that reads Question 14 followed by your response to question 14, and so on.

#### **Question 3**

*“NAME WHILE SERVING”*

Write in here the name you had in the military (the one listed on your current DD214)

#### **Question 4**

*“CURRENT NAME”*

Write in here your legal name today (the one listed on your name change decree from your state).

#### **Question 11**

*CATEGORY*

Check the box marked “Administrative Correction”.

## **Question 12**

*“WHAT CORRECTION AND RELIEF ARE YOU REQUESTING FOR THIS ERROR OR INJUSTICE IN THE SERVICE MEMBER’S RECORD?”*

You will want to state here that you are requesting that your name be changed on your DD214 from the name you served under to your current legal name.

In response to Question 12, you could include language such as this:

“Since separating from the [insert your branch], I have legally changed my name and gender. I am requesting that the name in Block 1 on my DD214 be changed from [insert name currently listed on DD214] to [insert your name today] to conform to the enclosed judicial order. Please see my attached Personal Statement for more information.”

You’ll want to include either in your response here at Question 12 or in your attached personal statement that you want a new DD214 issued as opposed to an amended separation document – DD215. A DD215 is usually issued when a DD214 has been amended or corrected. If the Board issues you a DD215 this may indicate to those who are familiar with military documents that your original DD214 was corrected. To avoid invasive questions, or judgmental speculation, about what corrections were made to your DD214 it will be better to have a newly issued DD214 with your name than to have an amended version in the form of a DD215. Lastly, when a Board alters a DD214 they may include such changes in the Remarks section of the newly issued DD214 or DD215. It will be important to include in your request that they not list your former name in that section, as that would defeat the purpose of the records correction.

Here is some sample response language to include:

“I request that a new DD214, not a DD215, be issued with my legal name in order to avoid invasive questions regarding the correction to my military record. In addition, I request that the name I served under is not stated in the Remarks section of my newly issued DD214 as that would defeat the result I seek from obtaining a new DD214 and allow the injustice to continue: namely, that I will have consistent identifying documentation and am not outed as transgender whenever I share a copy of my DD214 with employers and service-providers.”

### Question 13

*"ARE ANY OF THE FOLLOWING CONDITIONS/ISSUES RELATED TO YOUR REQUEST?"*

Check the box marked "Transgender".

### Question 14

*"WHY SHOULD THIS CORRECTION BE MADE?"*

The Board has the authority to correct any military record if it is necessary to "correct an error" or "remove an injustice." In this case, you will want to explain to the Board why changing your DD214 to reflect your current name is necessary to **remove an injustice**.

You could include in your answer to Question 14 information as to why having a DD214 with a different name than your legal name has caused you to experience injustices in your life. In addition to submitting a DD Form 149, you will want to submit a more detailed Personal Statement with your application, which is addressed below. You can keep your response to Question 14 general, and provide more detail in your Personal Statement about the incidents of injustice you've experienced as a result of having a DD214 that does not reflect your legal name.

For example, you could include in your response to Question 14:

- How you are "outed" as transgender whenever you share your DD214 with an organization, service provider, or others because the name on your DD214 does not match your other identification documents and/or your appearance. Explain to the Board why being "outed" puts you at risk of mistreatment and discrimination as a trans person.
- How you experienced employment discrimination or mistreatment at work after sharing your DD214.
- That you do not take advantage of veteran preference points when applying for work or you remove your military service from a job application in order to avoid sharing your DD214.
- How you feel unsafe when you disclose your DD214.
- How you miss out on opportunities, benefits, and services reserved for veterans in order to avoid sharing your DD214.
- How you avoid obtaining benefits for your dependents because of your DD214.

**Question 15**

*"Approximate Dates, Dates the Error or Injustice Occurred, and Dates it was Discovered"*

For the first date box, list the date your DD214 was issued. For the date that the injustice occurred and the date of discovery, you will list the date you legally changed your name and gender with your state.

**Question 17**

*"DO YOU WISH TO APPEAR AT YOUR OWN EXPENSE BEFORE THE BOARD IN WASHINGTON D.C.?"*

The Boards are not required to conduct a personal hearing and very rarely grant hearing requests. If they do grant the hearing request, it will be held in Washington, D.C. and you will be responsible for your own travel costs. You will receive at least 30 days notice before the hearing if one is granted and you will have 15 days from receipt to accept or decline the hearing date. If you select "No. Consider my application based on records & evidence," the Board will review your case based solely on the documents submitted with your application and those documents located in your military records.

Because it is highly unlikely that you will be granted a personal hearing, we advise that you submit as much evidence and information as possible in your paper application so that the Board has all the information they need to correct your DD214 without a hearing.

**Question 18**

*"IF THE DATE OF DISCOVERY IS MORE THAN 3 YEARS AGO, EXPLAIN YOUR DELAY AND WHY THE BOARD SHOULD CONSIDER YOUR REQUEST."*

Generally, the Board requires a veteran to submit their application within three years of the discovery of the error or injustice. In your case, the **date of discovery is the date your name and gender were legally changed** since that is when your DD214 no longer reflected your legal name and gender.

If your name and gender were legally changed within the last three years, it seems as though you wouldn't need to provide an answer to Question 15. Yet, since the date of discovery in these applications is generally the veteran's date of separation, it is advisable to provide the Board with an explanation as to why your date of discovery is the date of your name change and not your date of separation. We recommend you take the opportunity in Question 18 to explain why having a DD214 with a name and gender inconsistent with your other identification documents and with your current identity has caused, and will continue to cause, an injustice.

If you legally changed your name and/or gender **more than three years ago**, you will want to explain to the Board why they should waive the three-year deadline **in the interest of justice**.

Remember: DD Form 149 does not provide much space to answer this question. You may want to write "see attached" and provide your answer in a separate sheet of paper.

For this question, here are some example responses:

- Name and gender legally changed **less than three years ago**:
  - "Although I separated 10 years ago, I legally changed my name and gender only two years ago and therefore it has not been more than three years since I discovered the injustice. I am commonly required by potential employers to provide my DD214. As a result, I face the serious possibility of continued discrimination in employment so long as my DD214 does not contain my legal name."
  - "Although I separated 35 years ago, I legally changed my name and gender only 18 months ago and therefore it has not been more than three years since I discovered the injustice. Since changing my name and gender, I have avoided circumstances in which I may be asked to provide my DD214 because I do not want to risk mistreatment or worse from being outed as transgender. As a result, I have not been active in the veteran community and I have not participated in veteran-only benefits and services that I earned and deserve as a Navy veteran."

- Name and gender legally changed **more than three years ago**:
  - “Until a few months ago, I was unaware that veterans could request to have their DD214s reflect their current name and gender. Therefore, I am requesting that my application be considered in the interest of justice. If my records are corrected, I will feel less at risk when I need to disclose my DD214 in order to obtain the benefits and services I have earned as veteran of the USMC.”
  - “Six months ago I applied for a job and was asked to provide a copy of my DD214. Doing so revealed that I am transgender to that potential employer, putting me at risk of discrimination. This injustice has occurred recently and I suspect it will continue to occur unless my DD214 is corrected. Therefore, in the interest of justice I am requesting that the Board consider my application.”

### **Question 19**

*“IN SUPPORT OF THIS CLAIM, THE FOLLOWING DOCUMENTARY EVIDENCE IS ATTACHED (LIST DOCUMENTS):”*

At a minimum, you will want to list in Question 19 – and attach to your DD Form 149 application – copies of the following documentation:

1. Your DD214
2. The court order decreeing your legal name and gender change.
3. If you do not have a court order of your legal gender change, attach other evidence of your gender change, such as a statement from a licensed physician. See an example of this letter at the end of this guide.
4. Your Personal Statement
5. Copies of other legal documents that reflect your legal name and gender

### Personal Statement:

Your Personal Statement is an essential part of your application to the Board. Although you may have addressed some of the incidents described in your personal statement more generally in your answers to Questions 12, 14, and 18, this is your opportunity to provide more thorough detail to the Board. Keep the length of your statement to fewer than 5 pages.

You will want to include in your Personal Statement:

- An introduction to yourself. The purpose of the introduction is to personalize your application and provide the Board a better sense of you as an individual. You should include your name, age, where you live, information such as whether you are married and have any children, what you do professionally, and any volunteer or community activities that you participate in.
- Information about your military service, including the dates and duration of service, any honors or awards earned, any promotions received, and other positive contributions while in service. If you had no misconduct in your military record and you received an Honorable discharge, state that explicitly in your statement.
  - > Include copies of any evidence from your military record documenting these honors and promotions. To request your military records, use **Standard Form 180**.
- Share information about your transition including when you obtained your legal name change and gender change and what court issued your name and gender change decree.
- Provide an explanation as to why you want your DD214 corrected:
  - > Include any incidents of discrimination or degrading treatment that you have experienced as a result of presenting your DD214.
  - > Describe incidents when the inconsistency in your legal documents has caused you problems or “outed” you as transgender, for example in the healthcare, employment, or social services sectors.
  - > Include any incidents where disclosing your DD214 has “outed” you as transgender to potential employers when you did not want to be “outed.”
  - > Describe how you suspect having inconsistent identifying documentation will continue to cause you troubles. For example, if you intend to apply for work in the future where you will be required to submit a copy of your DD214.

- Lastly, if you didn't include it already in your response to Question 12, request in your Personal Statement that you want a DD214 issued (not an amended DD215), and ask that the Board **not** include your former name in the Remarks section of the newly issued DD214, as doing so would defeat the purpose of making this request.
- At the very end of your Personal Statement, include the following language:

*I certify under penalty of perjury that the foregoing is true and correct. Executed on [date].*

*[Your Signature]*

---

*[Printed Full Name]*

### **Copies of Other Legal Documents:**

At a minimum, you will need to include a copy of the court decree documenting your name change, and either a court decree or letter from your doctor documenting your gender change. To strengthen your application, you could also provide **copies of other legal documents** that reflect your legal name and gender, such as:

- State-issued Birth Certificate with your current legal name and gender
- Social Security Card with your current legal name
- State ID or driver's license with your current name and gender
- U.S. Passport with your current name and gender
- Any employment-related licenses with your current name and gender
- Diplomas or Education Certificates with your current name

#### **d. Step Four: File Your Application and Evidence with the Board**

Before filing, we recommend that you make a copy of your entire application to keep for your records. Mail your application with the attached documentation to your branch's Board. We recommend you use a tracking number and keep your receipt to prove that you have filed your application.

The addresses are listed on DD Form 149:

### **BOARD FOR CORRECTION OF MILITARY OR NAVAL RECORDS**

#### **ARMY**

Army Review Boards Agency  
251 18th Street South, Suite 385  
Arlington, VA 22202-3531

#### **NAVY AND MARINES**

Board for Correction of Naval Records  
701 S. Courthouse Road, Suite 1001  
Arlington, VA 22204-2490

#### **AIR FORCE**

Air Force BCMR  
3351 Celmers Lane  
Joint Base Andrews NAF,  
Washington, MD 20762-6435

#### **COAST GUARD**

DHS Office of the General Counsel  
Board for Correction of Military Records  
245 Murray Lane, Stop 0485  
Washington, DC 20528-0485

At the Board, each military records correction application is reviewed by a panel of 2-5 civilians who work for the Department of Defense. One panel member will serve as the chair, and in order to correct your DD214, a majority of panelists must find in your favor.

The panel starts with the **assumption that the military records are correct**. Therefore, it is important to provide them as much information as possible to overcome this presumption.

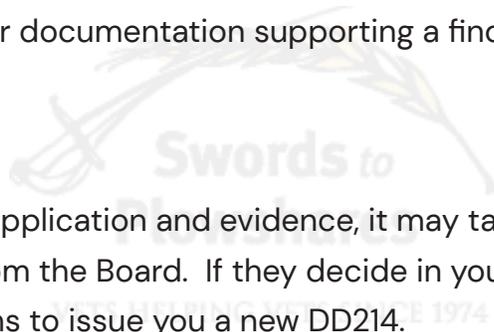
### Advisory Opinion

The Boards routinely request **advisory opinions** from other offices within the particular service branch prior to deciding a case. This may result in delays associated with getting a case ready for a Board depending on the workload of these outside offices and the complexity of the issues involved. An advisory opinion is only a recommendation and the Boards are not required to follow it.

If a Board receives a negative advisory opinion, the Board is required to send the advisory opinion to the applicant, who will normally be provided 30 days to respond in writing to the advisory opinion. If you require additional time to respond, you may request an extension. You do not need to provide comments on the advisory opinion if you have nothing to add. The Board will not assume that you agree with the advisory opinion if you don't respond, and you will receive a full and fair consideration of your application by the Board. However, we recommend that you respond to any negative advisory opinion with any additional information and/or documentation supporting a finding that the Board should correct your DD214.

### Estimated Timeline

From the date you submit your application and evidence, it may take a year or more before you receive a decision from the Board. If they decide in your favor, it may take the applicable service branch months to issue you a new DD214.



## Sample Physician Letter

The letter should be on the physician's office letterhead and should include the following information:

- Physician's full name;
- Medical license or certificate number;
- Issuing state, country, or other jurisdiction of medical license or certificate;
- Address and telephone number of the physician;
- Language stating:
  - The physician has either treated you in your gender transition, or has reviewed and evaluated your medical history related to your gender transition;
  - You have had "appropriate clinical treatment for gender transition to the new gender" (male or female); and
- The physician has a doctor/patient relationship with you;
- The end of the letter should state: "I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct."

The following is an example of sample language for such a letter:

[Physician Letterhead]

I, [physician's full name], [physician's medical license or certificate number], [issuing U.S. State/Foreign Country of medical license/certificate], am the physician of [your name], with whom I have a doctor/patient relationship and whom I have treated in regards to [his/her] gender transition [or with whom I have a doctor/patient relationship and whose medical history with regard to [his/her] gender transition I have reviewed and evaluated].

[Your name] has had appropriate clinical treatment for gender transition to the new gender [specify new gender - male or female].

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

[Signature of Physician]

[Typed Name of Physician]

[Date]

## Disclaimer

This memorandum provides general information only. It does not constitute legal advice, nor does it substitute for the advice of an expert representative or attorney who knows the particulars of your case. Any use you make of the information in this memorandum is at your own risk. We have made every effort to provide reliable, up-to-date information, but we do not guarantee its accuracy. The information in this memorandum is current as of October 2020.

© Copyright Swords to Plowshares 2020. These materials are the property of Swords to Plowshares and are made available at no charge. For parties interested in using or distributing these materials, please note that no alterations are permitted and proper attribution must be given to Swords to Plowshares.

