



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 190-01
26 June 2001

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting in effect, that the DD Form 214 and associated service pages be corrected to show her current name and sex.

2. The Board, consisting of Mr. Pfeiffer, Mr. Silberman, and Ms. Madison, reviewed Petitioner's allegations of error and injustice on 20 June 2001 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. Although it appears that enclosure (1) was not filed in timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner, who was then a male, enlisted in the Navy on 4 February 1964 at age 19. On 28 December 1967 he was honorably separated and transferred to the Naval Reserve. On 3 February 1970 he was honorably discharged from the Naval Reserve.

d. In support of the application, Petitioner submitted an affidavit from a surgeon performed gender reassignment surgery on her, and a court order which reflects that she has changed her name from Joseph M. Martinez to Jodi Martin.

e. In some situations, a former servicemember will be provided with a "Statement of Service". This document sets forth the individual's name, other identifying data, and the period of time the individual served on active duty. Such a statement could be issued to Petitioner in her current name, and this statement of service would be added to the record.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. The Board believes that it would be appropriate to create a document that will show Petitioner's period of service with her present name and gender. The Statement of Service for Petitioner should set forth her current name and the dates she served on active duty. However, the Board also believes that a correction to Petitioner's DD Form 214, or any other parts of the service record, would be inappropriate since those records correctly show that a man named Joseph M. Martinez served in the Navy from 4 February 1964 to 3 February 1970. Accordingly, the Board believes that such a Statement of Service should be provided to Petitioner showing her current name and the periods of service.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That a Statement of Service be prepared for Petitioner showing the time served on active duty and her present name and gender.

b. That a copy of the foregoing Statement of Service be placed in Petitioner's naval record.

c. That no further relief be granted.

d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

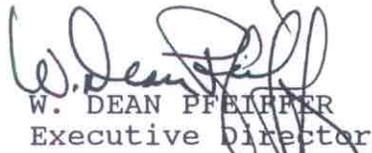
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting 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 Regulations, 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.


W. DEAN PFEIFFER
Executive Director