



DEPARTMENT OF DEFENSE
OFFICE OF THE GENERAL COUNSEL

1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600

January 20, 2015

D'Arcy Kemnitz, Esq.
Executive Director
National LGBT Bar Association
1301 K Street NW
Suite 1100 East Tower
Washington, DC 20005

Dear Ms. Kemnitz:

This responds to your letter of December 12, 2014, to the Honorable Stephen Preston, General Counsel to the Department of Defense, concerning petitions by transgender military veterans to the Service boards for correction of military records to amend their DD Form 214s, *Certificate of Release or Discharge from Active Duty* (DD-214).

As noted in your letter, the Army Board for Correction of Military Records recently granted two Army veterans' requests to amend their DD-214s and issued them DD-214s reflecting their new names; the DD-214 does not identify the gender of the veteran. In a 2004 case, the Air Force Board for Correction of Military Records granted relief to a transgender veteran and currently has several applications with similar requests pending. Additionally, I can report that the Board for Correction of Naval Records approved a Navy veteran's request for a name change on her DD-214 on January 12, 2015.

You requested an administrative order to the Military Department Boards with uniform guidelines for amending DD-214s for transgender veterans. The Boards for Correction of Military/Naval Records' statutory mission is to hear and adjudicate claims of present and former members for the purpose of determining if it is necessary to correct an error or remove an injustice from any military record. When appropriate, the Boards make recommendations to the Secretary of the Military Department concerned to correct a record, or make final determinations on matters delegated to them. The Boards operate under the aegis of their respective Military Department Secretaries, and they have considerable independence and deference in carrying out their important missions. The Department of Defense may issue guidance to the Boards when necessary to address a change in the law, or to ensure consistency in the application of Department policy across the Services. The relief being granted to transgender veterans in amending their DD-214s, however, makes consideration of issuing such guidance unnecessary.

Thank you for your letter and your advocacy on behalf of Service veterans. My office is always receptive to suggestions your organization might have to improve Department policies. My point of contact for this matter is Mr. David Gruber, Associate Deputy General Counsel, who



may be reached by e-mail at david.j.gruber.civ@mail.mil; or at (703) 697-9343.

Sincerely,



Paul S. Koffsky
Deputy General Counsel
(Personnel & Health Policy)