



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 6140-99

5 November 1999

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 United States Navy, filed enclosure (1) with this Board requesting, in effect, that the DD Form 214 and associated service record pages be corrected to show his current name and sex.

2. The Board, consisting of Mssrs. Lightle, Silberman, and Bishop, reviewed Petitioner's allegations of error and injustice on 3 November 1999 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, who was then a female, initially enlisted in the Marine Corps on 6 February 1979 and served until she was honorably discharged on 13 July 1979. Petitioner then enlisted in the Naval Reserve on 8 February 1985 as an Officer Candidate. She was honorably discharged by reason of early separation on 19 February 1985.

d. In support of the application, Petitioner submitted a court order and other documents which reflect that she has changed her name from Lisa Karen Kissinger to Lee Keith Kissinger.

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 his 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 documents that show Petitioner's periods of service with his present name and gender. The Statements of Service for Petitioner should set forth his current name and the dates he served on active duty in the Navy and Marine Corps. However, the Board also believes that corrections to Petitioner's DD Forms 214, or any other parts of the service records, would be inappropriate since those records correctly show that a female named Lisa K. Kissinger served in the Marine Corps from 6 February to 13 July 1979 and in the Navy from 8 to 19 February 1985. Accordingly, the Board believes that such Statements of Service should be provided to Petitioner showing his current name and periods of Navy and Marine Corps service.

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

RECOMMENDATION:

a. That Statements of Service be prepared by the Navy and Marine Corps for Petitioner showing the time served on active duty in each component, and his present name and gender.

b. That copies of the foregoing Statements of Service be placed in Petitioner's Navy and Marine Corps records.

c. That no further relief be granted.

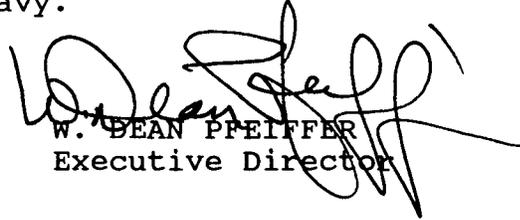
d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

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