



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No. 5193-21
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 28 October 2021. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

A review of your record shows that you entered active duty with the Navy in January 1960. In 1978, you were diagnosed with Arteriosclerotic Heart Disease and placed on limited duty. Eventually, the Physical Evaluation Board (PEB) found you unfit for continued naval service on 19 December 1979 and assigned you a 60% rating with a recommendation that you be placed on the Temporary Disability Retirement List (TDRL). You were subsequently released from active duty on 22 February 1980 and transferred to the TDRL. Upon your release from active duty, you were issued a DD Form 214 documenting your transfer to the TDRL. The following year, you underwent a periodic TDRL examination that formed the basis for the 17 September 1981 PEB recommendation that you be transferred to the Permanent Disability Retirement List (PDRL). On 1 November 1981, you were transferred from the TDRL to the PDRL.

The Board carefully considered your arguments that your DD Form 214 incorrectly reflects a transfer to the TDRL vice PDRL. Unfortunately, the Board disagreed with your rationale for relief. The Board determined a DD Form 214 is issued to document, along with other service related information, periods of active duty and reasons why a service member is released from active duty. Therefore, the DD Form 214 you were issued in 1980 appropriately documents your

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release from active duty on 22 February 1980 and the reason you were being released from active duty, i.e. transfer to the TDRL. Since your time on the TDRL is not considered a period of active duty, the Board concluded that the issuance of a DD Form 214 to reflect your period on the TDRL, and eventual transfer to the PDRL, was not required by applicable Navy instructions. Additionally, the Board considered whether a new DD Form 214 should be issued as a matter of injustice and, similarly, determined one was not required since you have alternative means to document that you are currently on the PDRL. Accordingly, the Board concluded insufficient evidence of error or injustice exists to warrant a change to your record.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

11/2/2021

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Deputy Director

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