



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

█  
Docket No. 6764-21  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 25 January 2022. 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. In addition, the Board considered the advisory opinion contained in Navy Personnel Command letter 5730 PERS 91 of 20 December 2021; a copy of which was previously provided to you for comment.

On 28 April 1972, you entered active duty in the U.S. Navy, and you were released from active duty and transfer to Naval Reserve on 25 April 1975. On 27 April 1978, you were discharged. On 15 December 1987, you reenlisted in the U.S. Naval Reserve. On 4 February 2003, you were mobilized and deployed in support of █ for 12 months. On 8 September 2004, President Physical Evaluation Board notified Chief of Naval Personnel that you were found UNFIT to perform the duties of your office, grade, or rank due to a physical disability. You shall be placed on the Temporary Disability Retired List (TDRL) with 100% disability effective 3 November 2004. On 2 November 2004 you were transferred to the TDRL. You completed 19 years, 10 months, and 18 days. On 31 October 2007, you were transferred from the TDRL to the Retired List effective 1 November 2007.

You requested to add creditable time to your point record to achieve 20 years of creditable service toward a non-regular retirement. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, a thorough review of your records revealed no ordered tours or assignments in Kuwait nor a DD Form 214 for active duty time for the period of June 1991 through January 1992 exists.

In June 1991, you signed a NAVPERS 1070/613 which placed you in an administrative hold status due to work conflict. Furthermore, your time spent in Kuwait as a civilian with the Army Corps of Engineering is not creditable towards military service. On 3 November 2004, you were placed on the TDRL and on 21 October 2007, you accepted the findings of the TDRL and were transferred to the PDRL effective 1 November 2007 with 100% Veterans Affairs disability. According to your Statement of Service, you completed 19 years, 10 months, and 18 days of qualifying service; therefore, you do not qualify for a non-regular retirement in accordance with Title 10, United States Code, Section 12732. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

2/15/2022

