



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

█
Docket No. 338-22
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 23 June 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 by Navy Personnel Command letter 5420 PERS-8 of 22 May 2022 and your response to the opinion.

On 28 May 1974, you enlisted for 4 years in the U.S. Naval Reserve. On 9 September 1974, you entered active duty. On 15 May 1975, you were discharged to accept commission in the U.S. Naval Reserve.

On 16 May 1975, you signed an Officer Appointment Acceptance and Oath of Office (NAVCRUIT 1000/20) in the active U.S. Naval Reserve as an Ensign with a day of rank 16 May 1974 with a designator code of 2905 (A Nurse Corps Officer). Note: Under the subscribed and sworn to before this date the 16th was crossed out and replaced with the 22nd.

On 21 May 1975, you were honorably discharged and issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 9 September 1974 to 21 May 1975. On 16 May 1976, you were advanced to Lieutenant Junior Grade/O-2.

On 1 July 1977, you were honorably released from active duty and transferred to the Naval Reserve and issued a DD Form 214 for the period of 16 May 1975 to 1 July 1977.

In accordance with BUPERSINST 1900.8 published on 28 June 1993, the DD 214 is a brief, clear-cut record of a period or term of active military service which provides: Military services with a readily available source of information used to determine eligibility for enlistment or reenlistment. The service member with a brief record of active service. Appropriate governmental agencies with an authoritative

source of information which they require in the administration of Federal and state laws. Block 18 (Remarks) entries in this block consist of information not shown elsewhere on the form. Only the entries specified below or in supplementary directives will be made in this block. Do not repeat material in other blocks. For a service member ordered to active duty in time of National emergency or war, enter in block 18 the actual dates of deployment into the theater of operations, e.g., "In Desert Storm Theater from 17 January 19910117 to 15 February 1991."

On 30 June 1995, you were honorably transferred to the Temporary Disability Retired List (TDRL) and issued a DD Form 214 for the period of 26 September 1986 to 30 June 1995. On 1 January 2000, you were transferred from the TDRL to the Permanent Disability Retired List (PDRL).

You requested that your date of entry on active duty be corrected to 16 May 1974; acknowledge Vietnam Era Veteran Status; correction to total years of service to 21 years, 1-month, and 15 days and send or prepare a DD Form 214 reflecting official discharge on 1 January 2000. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you entered active duty on 9 September 1974. Your total active duty service, from your 3 DD Form 214s and including Annual Training and Active Duty for Training is 11 years, 10 months, and 2 days. Your service basic pay, which is used to calculate retirement payments, is 21 years, 1-month, and 3 days (28 May 1974 to 30 June 1995). Regarding your request to acknowledge that you are a Viet Nam Era Veteran, BUPERSINST 1900.8 directs that for a service member ordered to active duty in time of National emergency or war, enter in block 18 of the DD Form 214 the actual dates of deployment into the theater of operations. Because there is no evidence in your official military personnel files of deployment to a theater of operations, a correction to your DD Form 214 is not appropriate. However, the Board recommends that you provide a copy of the enclosed DD Form 214 executed on 21 May 1975 to the Department of Veterans Affairs for inclusion in their records. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Finally, because your time on the TDRL is not active duty, a DD Form 214 is not issued upon your transfer to the PDRL.

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,

6/29/2022

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Deputy Director

Signed by: █

Enclosure: █