



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

KJR  
Docket No: 3009-22  
Ref: Signature Date



Dear Petitioner:

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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 18 May 2022. The names and votes of the panel members 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 the 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, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

You enlisted in the U.S. Navy Reserve and began a period of active duty on 12 May 1971. In June 1972, clinical records document you were injured while playing basketball. On 30 October 1972, proceedings and findings of a Physical Evaluation Board (PEB) captured your injuries were a

[REDACTED] . On 30 November 1972, you were released from active duty with an Honorable characterization of service as evidenced by your Certificate of Release or Discharge from Active duty (DD Form 214), and placed on the Temporary Disability Retired List (TDRL). On 1 December 1974, documents in your official military personnel file show you were to be removed from the TDRL and permanently retired for physical disability.

The Board carefully reviewed all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but

were not limited to, your contentions that you did not receive your final discharge papers or your Purple Heart Medal. The Board noted you did not submit any evidence in support of your request for a Purple Heart Medal.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board found no evidence in your record, and you submitted none, to support your contention of an earned and awarded Purple Heart Medal (PH). Records related to your PEB findings document that your injuries were the result of playing baseball. Accordingly, given the totality of the circumstances, the Board determined that your request for a PH does not merit relief.

Regarding your assertion that your “discharge needs finalizing,” the Board determined no error or injustice exists with your record. As previously discussed, your military records document that you were released from active duty and transferred to the TDRL prior to your eventual transfer to the Retired List based on your permanent physical disability. Therefore, the Board found that your discharge from active duty was finalized on 30 November 1972 upon your transfer to the TDRL. Service regulations do not require the issuance of an additional DD Form 214 upon a servicemember’s removal from the TDRL to the retired list. As a result, the Board found no basis for a correction to your DD Form 214 or record of discharge from the Navy.

You are entitled to have the Board reconsider its decision upon the 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,

6/27/2022

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Executive Director

Signed by: █