



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. 3520-22
Ref: Signature Date

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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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 19 May 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.

A review of your record shows that you enlisted in the Navy and commenced a period of active duty on 23 October 2001. On 27 April 2005, you were placed on the Temporary Disability Retired List (TDRL). On 11 May 2012, you were informed by Commander, Navy Personnel Command, that, as a result of a class action lawsuit, your disability percentage had been changed, and that you had been placed onto the Permanent Disability Retired List (PDRL) effective 27 October 2005.

In your petition, you requested that you be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) that reflects your disability is permanent and no longer temporary. The Board considered your request, but noted that, per BUPERS Instruction 1900.8 series, individuals who are removed from the TDRL are within the category of "ineligible personnel" for the issuance of a DD Form 214. In other words, a DD Form 214 is not issued under circumstances where an individual is removed from the TDRL. Moreover, a DD Form 214 is issued when a service member is discharged or released from active duty. When you were transferred from the TDRL to the PDRL, you were not discharged or released from active duty. In your case, the date you were placed on the TDRL has not changed, and it remains correct on

your DD Form 214. Thus, the Board determined you are not entitled to a DD Form 214 reflecting your transfer to the PDRL. Accordingly, the Board found insufficient evidence of error or injustice to warrant relief.

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,

6/15/2022

[Redacted signature block]

Executive Director

Signed by: [Redacted signature]