



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

█
Docket No. 5203-22
Ref: Signature Date

█
█
█

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 14 February 2023. 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.

On 19 April 1979 Naval Hospital, █ issued you an Administrative Remarks (NAVPERS 1070/613) with the following: "Directed home to the Temporary Disability Retired List per CHNAVPERS 041825Z April 1979. Physical disability rated at 60 percent. Released from active duty effective 24:00 19 April 1979".

You were transferred to the Temporary Disability Retired List with an honorable character of service and were issued a Report of Separation from Active Duty (DD Form 214N) for the period of 13 February 1976 to 19 April 1979 to upon temporary retirement.

In accordance with NAVMILPERSCOMINST 1900.1A of 10 February 1983, the DD Form 214 is prepared to cover periods of service on active duty, temporary active duty, some periods of active duty for training, certain periods terminated by a change of status not concurrent with separation from active service, and release from a status that legally determined to be void.

Ineligible Personnel. The DD Form 214 may not be prepared or issued in the case of personnel: Who are removed from the Temporary Disability Retired List.

On 22 February 1984 the Commander, Naval Military Personnel Command notified Commanding Officer, Naval Reserve Personnel Center, █ that as a result of physical evaluation board proceedings and pursuant to action of the Secretary of the Navy on [unreadable], he was directed to remove you from the Temporary Disability Retired List and effect discharge from the Naval Service by reason of physical disability with severance pay in conformity with the provisions of Title 10 U.S.C. 1210 and DODPM para 40433. Discharge is to be effective on [unreadable]. Cite MILPERSMAN 3620270 and this letter as authority. Should discharge be delayed beyond specified date, authority is granted to effect discharge on a current date. A retroactive discharge is not authorized.

On 5 March 1984 Naval Reserve Personnel Center, █ issued you an Administrative Remarks (NAVPERS 1070/613) with the following: "Pursuant to the action of the Secretary of the Navy on 9 February 1984, subject member is hereby removed from the Temporary Disability Retired List and discharged from the naval service for the convenience of the Government effective 7 March 1984 in the rate of E-3." Furthermore, Severance pay was authorized.

You requested that your discharge date on your DD Form 214 executed on 19 April 1979 be corrected to 5 years after initial separation of 19 April 1979. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. In accordance with NAVMILPERSCOMINST 1900.1A. DD Form 214 will be issued to cover periods of service on active duty, certain periods terminated by a change of status not concurrent with separation from active service, and release from a status that legally determined to be void. Furthermore, a DD Form 214 will not be issued or prepared for members who are removed from the Temporary Disability Retired List. The Board concluded that while on the TDRL, you were in a retired status, not on active duty, therefore, adding your time on the TDRL to block 18(c) (Total Active Service) on your DD Form 214 is inappropriate.

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,

2/22/2023

█
Deputy Director
█