



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. 6108-22
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 22 August 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.

You enlisted in the Navy and commenced a period of active duty on 12 March 1987. While you were on active duty, you were identified as having a disabling condition such that you were eventually transferred to the temporary disability retired list (TDRL) on 22 October 1993. To document your release from active duty to the TDRL, you were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting your transfer with a finding of 30% disability. According to your petition, at some point thereafter you were transferred to the permanent disability retired list (PDRL).

In your petition, you seek the issuance of a DD Form 215 to correct your DD Form 214 by noting that you were transferred to the PDRL from the TDRL. The Board reviewed your request and did not agree with your rationale for relief. The Board did not find any error or injustice in the DD Form 214 that you were issued. A DD Form 214 is issued to document a release or discharge from active duty. When you were transferred to the PDRL, you were not released or discharged from active duty. This concept is noted in BUPERSINST 1900.8 series enclosure (1) para 1.b.(8), which specifically lists "removed from temporary disability retired list (TDRL)" as

a category of “ineligible personnel” for a DD Form 214. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit 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,

9/20/2022



Executive Director

Signed by:

