



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

■
Docket No. 8542-22
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.

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 16 March 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.

A review of your record shows that, after an earlier period of active duty, you commenced a second period of active duty on 1 November 1999. On 7 Jan 2012, Navy Personnel Command issued you official retirement orders stating that you would be placed on the Temporary Disability Retirement List (TDRL) effective 27 February 2012. Your Certificate of Release of Discharge from Active Duty (DD-214) shows you were released from active duty on 26 February 2012 and transferred to the TDRL.

In your petition, you request permanent medical retirement due to disability. You claim that your status was changed to permanent medical retirement from TDRL that you lost papers in a theft, and you do not have the letter notifying you of your transfer. You included with your petition your DD-214, and a Department of Veterans Affairs (VA) summary of benefits letter.

The Board carefully reviewed your petition and the material that you provided. The Board found that there are no records in your official military personnel file (OMPF) that you underwent a periodic physical examination on TDRL or that you were transferred to the Permanent Disability Retirement List (PDRL). Moreover, the Board noted that, even if you had been transferred to

PDRL, a DD Form 214 is a record of release from active duty service and is only issued at the time of separation from active duty. Accordingly, when you left active duty in 2012 and were transferred to TDRL, you received a DD Form 214. Per Bureau of Naval Personnel Instruction 1900.8 enclosure (1)b, the “DD-214 will not be prepared or issued to the following personnel... (8) removed from the Temporary Disability Retired List.” Consequently, the Board determined your DD-214, issued 27 February 2012, remains correct regardless of your current status, and does not require a change. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board noted that you assert that you were placed on the Permanent Disability Retired List (PDRL) but lost evidence documenting your transfer. The Board recommended you contact the Secretary of the Navy Council of Review Boards and seek guidance on how to obtain copies of your Physical Evaluation Board record. You may reach them at the following address or phone number:

DEPARTMENT OF THE NAVY
SECRETARY OF THE NAVY COUNCIL OF REVIEW BOARDS
720 KENNON STREET SE SUITE 309
WASHINGTON DC 20374-5023
(202) 685-6408

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,

4/10/2023

 

Executive Director

Signed by 