



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

██████████  
Docket No. 423-23  
Ref: Signature Date

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████████████████████  
████████████████████  
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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 20 April 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 revealed that you enlisted in the Marine Corps and commenced a period of active duty on 24 July 1979. While on active duty, you sustained injuries that were referred to a medical evaluation board (MEB). On 2 May 1980, the MEB opined that you were not capable of performing the duties of your rate and recommended that you be referred to the Physical Evaluation Board (PEB) for disposition. On 27 May 1980, the PEB convened and determined that you were unfit for duty, rated your conditions at 60% and recommended placement on the Temporary Disabled Retirement List (TDRL). On 11 June 1980, pursuant to the findings of the PEB, you were placed on the TDRL. Upon your release from active duty, you were issued a DD Form 214 reflecting your transfer to the TDRL.

During your time on the TDRL, you underwent three separate periodic physical examinations (PPE). Your final PPE occurred in October 1984.

On 21 December 1984, a PEB hearing convened, found you unfit, but recommended that you be separated with a cumulative disability rating of 20%. On 14 February 1985, the PEB notified you of the findings. On 13 March 1985, the PEB wrote you a letter stating "in view of your

desire to submit additional medical evidence for reconsideration of your case...an extension of the time-limit is considered to be appropriate.” On 15 April 1985, you received orders to report to the PEB for a reevaluation hearing. On 13 June 1985, you received notification from Headquarters Marine Corps that the Secretary of the Navy determined that the disability for which you were temporarily retired is permanent and is now rated at less than 30%. You were informed that you would be removed from TDRL and separated with severance pay. You were subsequently separated from the TDRL on 30 June 1985.

In your petition, you argue that your DD-214 is not accurate as there is no final action in 1985 after five years on the TDRL. However, the Board determined that your DD Form 214 is correct and accurately reflects the basis for your release from active duty; specifically, your transfer to the TDRL. 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 1980 and were transferred to TDRL you received a DD Form 214. Regarding your contention that your DD Form 214 should reflect your removal from the TDRL, the Board noted that you were not on active duty at the time you were released from the TDRL. Per Department of Defense Instruction (DoDI) 1336.01, paragraph 3.2 a.(2)(c) and Marine Corps Order (MCO) 1900.16 enclosure (1) paragraph 1202.4, a DD Form 214 will not be issued for personnel being removed from the temporary disability retired list. 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,

5/11/2023



Deputy Director

Signed by: 