



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

█  
Docket No. 1211-23  
Ref: Signature Date

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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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 27 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A review of your record shows that you enlisted in the Navy and commenced active duty on 14 January 1988. On 10 August 1994, you received a Certificate of Release or Discharge from Active Duty (DD Form 214) documenting an Honorable characterization of service and transfer to the Temporary Disability Retirement List (TDRL). On 3 July 1996, the Chief of Naval Personnel (BUPERS) notified you, via letter, of your transfer from the TDRL to the Permanent Disability Retired List (PDRL), effective 1 August 1996 with a 30% rating.

In your petition, you request a corrected DD Form 214 to show you were placed on the PDRL and for an accurate civil service leave computation. You also note that you did not receive severance pay when you were placed on PDRL.

The Board carefully reviewed your petition and the material you provided. Unfortunately, the Board disagreed with your rationale for relief. In reaching its decision, the Board noted that 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 1994 and were transferred to TDRL you received a DD Form 214.

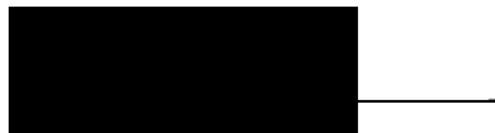
Per Department of Defense Instruction (DoDI) 1336.01 and Bureau of Personnel Instruction (BUEPERSINST) 1900.8, a DD Form 214 will not be issued for personnel being removed from the TDRL. Consequently, the Board determined your DD Form 214 issued 10 August 1994 remains correct. Moreover, as you were placed on the PDRL, and are eligible for retired pay, you are not entitled to severance pay, which is only directed for members who are removed from the TDRL and permanently separated with a disability rating under 30%. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

While the Board understands your request for a new DD Form 214 was based on your desire to document your transfer to the PDRL for civil service purposes, the Board recommends you submit the 3 July 1996 BUPERS letter as evidence in lieu of a DD Form 214.

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,

5/25/2023

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Deputy Director

Signed by: 