



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. 2611-23
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 21 September 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 reveals that you enlisted in the Navy and commenced a period of active duty on 6 July 1994. During your service, you were reviewed by the Physical Evaluation Board (PEB) and determined to have an unfitting condition. Thereafter, on 5 August 2004, you were placed on the Temporary Disability Retired List (TDRL) and issued a Certificate of Release or Discharge from Active Duty (DD Form 214) documenting your release from active duty and placement on the TDRL. While you were on the TDRL you were reviewed by a periodic physical examination (PPE). As a result of a PPE, you were found to be permanently disabled, and, on 16 June 2009, the President, Physical Evaluation Board informed the Chief of Naval Personnel that you were unfit with a 70% disabling condition and that you should be permanently retired. Thereafter, you were transferred from the TDRL to the Permanent Disability Retired List (PDRL), although there is no documentation in your service record setting forth the precise date of transfer.

In your petition, you request to be issued a new DD Form 214 reflecting your transfer to the PDRL. You also state that you would "like to purchase updated and current ribbon bars and medals to add to a shadow box."

In support of your request, you contend that you were transferred to the TDRL and later evaluated and transferred to the PDRL. You explain that you never received an updated DD Form 214. Finally, you assert that your federal employer has advised you that you cannot buy back your military time for civilian employment credit without a revised DD Form 214.

The Board carefully reviewed your petition and the material that you provided in support and disagreed with your rationale for relief. The Board noted that, as its title indicates, a DD Form 214 is applicable only for a “release” or “discharge” from “active duty.” Thus, a transfer from TDRL to PDRL status does not indicate that a new DD Form 214 should be issued, because that does not implicate a release or discharge from active duty. This concept is set forth in Bureau of Naval Personnel Instruction (BUPERSINST) 1900.8 series enclosure (1) para 1.b.(8), which specifically lists as a category of personnel ineligible to receive a DD Form 214, those who are “removed from temporary disability retired list (TDRL).” Finally, the Board is unable to verify the veracity of the assertion of your federal employer with respect to “buying back military time” because such matters are not within its purview. Thus, in light of the foregoing, the Board denied your request to be issued a revised DD Form 214 documenting your change in status from TDRL to PDRL.

With respect to your statement that you would like to purchase ribbons and medals for a shadow box, the Board determined that this is not the type of relief available from the BCNR. However, the Board advised that many Navy Exchanges nationwide contain uniform shops and Navy Pride centers, which may assist you in obtaining new ribbons and medals and may even assist in preparing a shadow box for a reasonable price. Accordingly, in light of the foregoing, the Board denied the entirety of your petition.

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,

10/3/2023

