



**CUI//SP-MIL/SP-PRVCY**  
**UNITED STATES AIR FORCE**  
**BOARD FOR CORRECTION OF MILITARY RECORDS**

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**RECORD OF PROCEEDINGS**

**IN THE MATTER OF:**

*Work-Product*

**DOCKET NUMBER:** BC-2022-02110

**COUNSEL:** NONE

**HEARING REQUESTED:** NO

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**APPLICANT'S REQUEST**

His DD Form 214, *Armed Forces of the United States Report of Transfer or Discharge*, be corrected to reflect the time he spent on the Temporary Disability Retired List (TDRL).

**APPLICANT'S CONTENTIONS**

His type of discharge is listed as retirement when he was placed on the TDRL on 30 Nov 69. His honorable discharge certificate lists his discharge date as 19 Apr 71 and he would like his DD Form 214 to reflect this date.

The applicant's complete submission is at Exhibit A.

**STATEMENT OF FACTS**

The applicant is a former Air Force sergeant (E-4).

Dated 6 Nov 69, Special Order *Work-Product*, provided by the applicant, indicates he was placed on the TDRL in the grade of sergeant (E-4) with a compensable percentage for physical disability of 30 percent, effective 21 Nov 69.

Effective 20 Nov 69, the applicant provided his DD Form 214, which reflects he was honorably discharged in the grade of sergeant (E-4) after serving 2 years, 8 months, and 14 days of active duty. He was discharged, with a narrative reason for separation of "Placed on the Temporary Disability Retired List."

Dated 30 Mar 71, Special Order *Work-Product* indicates the applicant was removed from the TDRL and discharged with severance pay (DWSP), effective 19 Apr 71.

On 19 Apr 71, DD Form 256, *Certificate of Discharge*, provided by the applicant indicates he was honorably discharged from the United States Air Force.

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

**AFBCMR Docket Number BC-2022-02110**  
**CUI//SP-MIL/SP-PRVCY**

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## **AIR FORCE EVALUATION**

AFPC/DP2SSR recommends denying the application finding no error or injustice with the DD Form 214 preparation since a new DD Form 214 is not required upon removal from TDRL. Per DD Form 214 guidance (AFM 35-6, *Separation Documents and General Separation Procedures*) a DD Form 214 is not furnished for members being removed from the TDRL regardless of status at the time of separation. The applicant was originally placed on TDRL effective 21 Nov 69, where he received a DD Form 214. When he was removed from the TDRL on 19 Apr 71, the applicant was provided documentation from the Disabilities Office dated 30 Mar 71 showing he was discharged and entitled to disability severance pay. It was at that time he should have further been told he would not be receiving another DD Form 214 and he needed to maintain all of the documents he received from the Disabilities Office with instructions to keep in conjunction with the original DD Form 214. He must provide that documentation along with his original DD Form 214 to any respective agencies that require this information. If any of that documentation is missing, he needs to contact the Disabilities Office for additional copies if they are not in his permanent military records.

The complete advisory opinion is at Exhibit C.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 7 Nov 22 for comment (Exhibit D), but has received no response.

## **FINDINGS AND CONCLUSION**

1. The application was not timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of AFPC/DP2SSR and finds a preponderance of the evidence does not substantiate the applicant's contentions. Specifically, the Board finds no error with the applicant's current DD Form 214 as this document correctly annotates his time spent on active duty. The DD Form 214 is prepared and used to record qualifying active duty service. A new DD Form 214 or correction for service credit is not authorized for members being removed from the TDRL. His disability retirement order which removed him from the TDRL reflects the time period in question. The Board also notes the applicant did not file the application within three years of discovering the alleged error or injustice, as required by Section 1552 of Title 10, United States Code, and Air Force Instruction 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*. The Board does not find it in the interest of justice to waive the three-year filing requirement. Therefore, the Board finds the application untimely and recommends against correcting the applicant's records.

**RECOMMENDATION**

The Board recommends informing the applicant the application was not timely filed; it would not be in the interest of justice to excuse the delay; and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

**CERTIFICATION**

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2022-02110 in Executive Session on 26 Apr 23:

<i>Work-Product</i>	Panel Chair
	Panel Member
<i>Work-Product</i>	Panel Member

All members voted against correcting the record. The panel considered the following:

- Exhibit A: Application, DD Form 149, w/atchs, dated 2 Jul 22.
- Exhibit B: Documentary evidence, including relevant excerpts from official records.
- Exhibit C: Advisory Opinion, AFPC/DP2SSR, dated 26 Oct 22.
- Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 7 Nov 22.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

	3/6/2024
<i>Work-Product</i>	_____
Board Operations Manager, AFBCMR	
Signed by:	<i>Work-Product</i>