

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 January 2025

DOCKET NUMBER: AR20240003044

APPLICANT REQUESTS: reissuance of his DD Form 214 showing he was removed from the Temporary Disability Retired List (TDRL) and placed on the Permanent Disability Retired List (PDRL).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Forms 149 (Application for Correction of Military Record) (2 applications)
- DD Form 214

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant's complete military records are not available. This case is being considered based on the applicant's DD Form 214.
3. The applicant states his DD Form 214 shows in block 28 (Narrative Reason for Separation) he was placed on the TDRL. However, he was removed from the TDRL and placed on the PDRL over 30 years ago. He is requesting an updated DD Form 214 showing he was removed from the TDRL. He is planning to retire from the Federal service this year and the updated DD Form 214 will assist the U.S. Office of Personnel Management with completing his retirement process.
4. The applicant's DD Form 214 shows he enlisted in the Regular Army on 15 July 1987. The DD Form 214 also shows he was retired on 30 July 1991 by reason of physical disability temporary.
5. It is presumed the applicant was issued orders directing his removal from the TDRL and his placement on the PDRL, however, the orders are not available.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's request and available military records, the Board found insufficient evidence to warrant reissuance of a corrected DD Form 214 reflecting placement on the Permanent Disability Retired List (PDRL). The applicant's DD Form 214 documents retirement from active duty on 30 July 1991 due to temporary physical disability, consistent with placement on the Temporary Disability Retired List (TDRL).

2. However, the applicant asserts that he was removed from the TDRL and subsequently placed on the PDRL over 30 years ago, no official orders or corroborating documentation are available to confirm this transition. The applicant's complete military record necessary to verify the action is unavailable, and the case must be reviewed based solely on the contents of the DD Form 214. The Board noted, without verified documentation indicating the applicant's removal from the TDRL and transfer to the PDRL, the Board is unable to support reissuance of the DD Form 214 or any amendments to its narrative reason for separation. Therefore, relief is denied.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

X //SIGNED//

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CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation 635-40 (Disability Evaluation for Retention, Retirement or Separation) states Soldiers will be placed on the TDRL when they would be qualified for permanent disability retirement and the preponderance of evidence indicates one or more conditions will change within the next five years so as to result in a change in rating or a finding of fit (i.e. permanent disability retirement, separation with severance pay, or return to duty).
3. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribed the separation documents which are prepared for individuals upon retirement, discharge, or release from active military service or control of the Army. It established standardized policy for preparing and distributing the DD Form 214. It states:
  - a. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record active service at the time of release from active duty, retirement, or discharge.
  - b. A DD Form 214 will not be prepared for personnel being removed from the TDRL.

//NOTHING FOLLOWS//