



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. 8266-23
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 25 June 2024. 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. In addition, the Board considered the advisory opinion contained in Commanding Officer, Navy Pay and Personnel Support Center memorandum 7220 N1 of 19 October 2023, which was previously provided to you for comment.

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.

On 25 July 2023, Commander, Naval Personnel Command (NPC), Millington, TN notified your command and the █ that that the Secretary of the Navy has directed your temporary disability retirement with an active duty release date of 22 September 2023 and transfer to the Temporary Disability Retired List (TDRL) effective date of 23 September 2023.

On 1 August 2023, Separations Questionnaire (NPPSC 1900/1) was created with a separation date of 22 September 2023 and certified by both Medical Officer and Dental Officer and certified by you on 1 August 2023.

On 1 August 2023, a Service Member Pre-Separation/Transition Counseling and Career Readiness Standards Form for Service Members Separating, Retiring, Released from Active Duty (DD Form 2648) was initiated, and you acknowledged that you were counseled and received documentation on all items in Section IV, which included all items listed on the Pre-Separation/Transition counseling addendum sheet with an anticipated date of separation of 22 September 2023. Transition counselor certified on 10 August 2023.

On 8 August 2023, you certified a Data for Payment of Retired Personnel (DD Form 2656) with a retirement/transfer date of 22 September 2023.

On 8 September 2023, you were issued official retirement orders (BUPERS Order: 2513) while stationed in █ with an effective date of departure of October 2023 – for separation processing with an effective date of retirement 23 October 2023.

You were transferred to the TDRL with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 4 May 2021 to 22 September 2023 due to Disability, Temporary. Block 16 (days accrued leave paid) reflects 30.5. Your DD Form 214 was signed by Official Authorized to sign on 21 September 2023.

On 12 October 2023, your Master Military Pay Account listed your base pay stopped effective 22 September 2023.

On 23 October 2023, you were issued official modification to retirement orders (BUPERS Order: 2513) with an effective date of departure of *September 2023*. Additionally stating that, on 23 October 2023 you will be transferred to the TDRL with grade LT and with retired pay O-3.

You requested for your discharge date on your DD Form 214, block 12.b, be changed to 23 October 2023. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that your DD Form 214 states that your discharge date was 22 September 2023, however the date changed to 23 October 2023 and that your most up to date orders reflect this change. However, the Board concluded that on 25 July 2023, NPC notified your command and █ that you were to be released from active duty on 22 September 2023 and transferred to the TDRL on 23 September 2023, and your separation documentation state that you were to be separated from active duty on 22 September 2023. The Board did note that your original orders directed a detachment in October 2023, and on 23 October 2023 were modified to correct your effective date of departure of *September 2023*. In this regard, the Board determined based on the foregoing you were released from active duty on 22 September 2023 and transferred to the TDRL on 23 September 2023, which is in accordance with NPC message dated 25 July 2023 and your separation documentation. You provided no documentation that you remained on active duty after 22 September 2023, therefore the Board determined that no change to your record is warranted.

Additionally, the Board substantially concurred with the comments contained in the advisory opinion.

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,

7/1/2024

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