



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

█
Docket No. 601-24
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 4 April 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.

A review of your record shows that you enlisted in the Navy and commenced active duty on 21 January 1985. On 31 July 1987, you were placed on the temporary disability retired list (TDRL). While you were on the TDRL, your condition was evaluated, and you were reviewed by a physical evaluation board (PEB). On 20 June 1989, Naval Military Personnel Command reported that, based on the PEB proceedings and action of the Secretary of the Navy, your condition had improved such that you were to be removed from the TDRL and discharged with severance pay. On 21 July 1989, you were discharged with severance pay.

In your petition, you request to be placed on the permanent disability retired list (PDRL). In support of your request, you contend that you were placed on the TDRL in 1987 and you believe you were supposed to be placed on the PDRL in 1992.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition, and the Board disagreed with your rationale for relief. In reaching its decision, the Board observed that you provided insufficient evidence that you were supposed to be placed on the PDRL. To the contrary, the Board observed that, while you were on the TDRL, you were evaluated by the PEB, which found that you had improved such that you should be

removed from the TDRL and discharged with severance pay. You provided no material contrary to this evidence which is in your naval records. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

4/16/2024

