



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. 773-24
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 2 May 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 6 April 1987. On 6 July 1990, a medical board referred you to the Physical Evaluation Board (PEB) for degenerative left hip, status post septic arthritis. The PEB found you Unfit for continued military service and assigned you're a 30% rating. Subsequently, you were released from active duty, on 15 October 1990, and placed on the Temporary Disability Retirement List (TDRL). On 15 April 1992, you underwent a periodic physical examination (PPE). The PEB reviewed the PPE, found you were unfit under Department of Veterans Affairs (VA) Code 5054 for degenerative left hip, and assigned you a continued rating of 30%. On 17 June 1992, the PEB sent you a letter notifying you of the PEB findings. On 11 February 1993, the Chief of Naval Personnel notified you, via the Defense Finance and Accounting Service (DFAS), of your transfer to the Permanent Disability Retirement List (PDRL), effective 1 March 1993, with a final disability rating of 30%.

In your petition, you request placement on PDRL at a 100% rating. You contend a Defense Enrollment Eligibility Reporting System (DEERS) representative informed you that you are

permanently retired at a 100% rating, but DFAS incorrectly lists you as permanently retired at a 30% rating.

The Board carefully reviewed your petition and the material that you provided and disagreed with your rationale for relief. In reaching its decision, the Board found no evidence to support a finding that you were rated at 100% by the PEB for your unfitting condition. Therefore, the Board found no error or injustice to support a change to your PEB record. 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,

5/20/2024

