



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

█
Docket No. 3798-24
Ref: Signature Date

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Dear █

This is in reference to your reconsideration request 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 5 September 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, applicable statutes, regulations, and policies.

A review of your record shows that you entered active duty in the United States Naval Reserve on 17 August 2004. On 27 September 2015, you were transferred to the Temporary Disability Retirement List (TDRL) and issued a Certificate of Release or Discharge from Active Duty (DD Form 214) documenting your release from active duty. On 28 September 2020, Navy Personnel Command (NPC) notified you of your placement on the Permanent Disability Retired List (PDRL), effective that date, at a 30% rating.

For this petition you request to be issued another DD Form 214 to reflect that you were medically separated, as you allege NPC stated you were not eligible for retirement pay.

The Board carefully reviewed your petition and disagreed with your rationale for relief. Per Department of Defense Instruction (DoDI) 1336.01, paragraph 3.2 a.(2)(c) and Bureau of Naval Personnel Instruction 1900.8 enclosure (1)b, the "DD-214 will not be prepared or issued to the following personnel... (8) removed from the Temporary Disability Retired List. The Board observed that a DD Form 214 is designed to document period of qualifying active duty. The Board noted you received a DD Form 214 when you left active duty and transferred to TDRL in 2015. Since your transfer to the TDRL, there is no record of you serving any additional time on

active duty. Consequently, the Board found no error or injustice with your DD-214 issued 27 September 2015 and determined no additional DD Form 214 is required. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Finally, contrary to your assertion you were not permanently retired and entitled to disability retirement pay, the Board noted the 28 September 2020 letter you received from NPC informing you of your placement on PDRL with a 30% disability rating. Based on the letter, if you are not receiving retirement pay, the reason is not due to your release from the TDRL and is likely due to an offset from your Department of Veterans Affairs compensation. However, the Board encourages you to contact the Defense Finance and Accounting Service if you have questions regarding your PDRL retirement pay.

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,

10/1/2024

