



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. 4296-24
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.

A three-member panel of the Board, sitting in executive session, considered your application on 22 August 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 reveals that you enlisted in the Navy and commenced active duty on 22 July 2010. On 16 July 2023, you were transferred to the temporary disability retired list (TDRL). There is no indication in available documentation, and you did not provide any, that reflects you were removed from the TDRL. In other words, your records reflect that you are still on the TDRL.

In your petition, you request to have your Certificate of Release or Discharge from Active Duty (DD Form 214) reflect a finding by the Department of Veterans Affairs (VA) that you are permanently and totally disabled. In support of your request, you provided evidence that the VA found that you are 100% permanently and totally disabled.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your request and the Board disagreed with your rationale for relief. In reaching its decision, the Board observed that the DD Form 214, as its name suggests, "Certificate of Release or Discharge from Active Duty," is used to document release from active duty or other similar periods of service. See BUPERSINST 1900.8. A DD Form 214 is not reissued to document an individual's status with respect to VA benefits because the receipt of post-service benefits does not fall within the definition of documenting a period of active service, as well as the fact that the

VA is a separate organization from the Department of the Navy. Further, to the extent your request could be interpreted to mean you seek to have your rating on the TDRL changed as a result of your VA findings, the Board observed that the documentation available in your record reflects that you are still on the TDRL and any such disability findings would currently be within the purview of the Physical Evaluation Board (PEB). Therefore, the Board determined the issue of your TDRL status is not yet ripe for the Board's review. Notwithstanding, should your status on the TDRL eventually change due to later PEB action, you will not be eligible for a reissued DD Form 214. According to BUPERSINST 1900.8 enclosure (1) para 1.b.(8), personnel ineligible for a reissued DD Form 214 include those "removed from temporary disability retired list (TDRL)." As a result, the Board determined that you provided insufficient evidence that your record contains an error or injustice. 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,

9/11/2024

