



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

██████████  
Docket No. 6553-24  
Ref: Signature Date

████████████████████  
████████████████████  
████████████████████

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 14 November 2024. The names and votes of the panel members 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 January 1991. On 19 April 2001, the Physical Evaluation Board (PEB) found you to be unfit at 30% for Major Depressive Disorder. On 4 June 2001, you were placed on the temporary disability retired list (TDRL). According to review of your available PEB file and medical records, it appears that you were administratively removed from the PEB on 21 May 2007.

In your petition, you request to be placed on the permanent disability retired list (PDRL) and issued a final Certificate of Release or Discharge from Active Duty (DD Form 214) that reflects you have a 30% disability retirement. In support of your request, you contend that your request should be granted in order for the Veterans' Benefit Administration to adjudicate a disability claim. You also argued that the rating you received that resulted in your placement on the TDRL could not be reduced to zero because you never received a final examination to determine whether you should have been placed onto the PDRL.

The Board carefully and conscientiously reviewed your claims of an error or injustice, including all of the material that you provided in support, and it disagreed with your rationale for relief. In reaching its decision, the Board observed that it relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. In your case, the Board observed that you failed to provide sufficient evidence to overcome the presumption of regularity. In particular, in its review of your available post-service medical documentation, the Board observed that you accessed Department of Defense medical care in ██████████ from 2004 to 2014 and in ██████████ from 2014 to 2016. The Board observed that there was no documentation in any of these records of psychiatric complaints and it further observed that you did not obtain a review of your TDRL status. In addition, the Board observed that the medical records indicate that your symptom reporting was considered unreliable. In sum, the Board concluded that it appeared from this documentation that you had ready access to Department of Defense medical resources yet you did not undergo a TDRL exam and you did not receive psychiatric care during the relevant TDRL period. Further, with respect to your contention that you require a new DD Form 214 for assistance before the Veterans Benefits Administration, the Board was not persuaded by this argument inasmuch as the Department of Veterans' Affairs is a separate entity from the Department of the Navy. 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. In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

1/16/2025

