



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No. 12256-09  
19 July 2010

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: [REDACTED]  
[REDACTED] REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149  
(2) SECNAVCORB ltr 5220 CORB: 002, 6 May 10  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he received disability ratings for conditions of his right and left hands, and that he be permanently retired by reason of physical disability.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 July 2010 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. In correspondence attached as enclosure (2), the Director, Secretary of Navy Council of Review Boards recommended that Petitioner's request for additional disability ratings be granted.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting corrective action. In addition, it concluded that it would be premature to permanently retire Petitioner at this time, as he has not undergone a final period physical examination.

RECOMMENDATION:

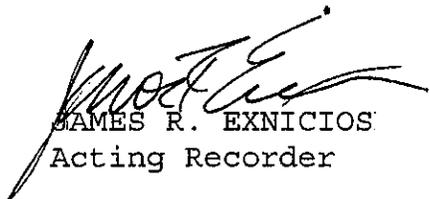
a. That Petitioner's naval record be corrected to show that in addition to the disability ratings for which he was transferred to the Temporary Disability Retired List on 31 October 2009, he received disability ratings of 20% for right thumb partial amputation, and 0% for residuals of fracture distal end, left first metacarpal with degenerative arthritis metacarpophalangeal joint and loss of joint motion, under Department of Veterans Affairs (VA) codes 5152 and 5228, respectively, with the addition of a 2% bilateral factor, for a total combined disability rating of 50%.

b. That no further relief be granted.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



JAMES R. EXNICIOS  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference

(a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PENNER