



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD BLDG 12, SUITE 1001  
ARLINGTON, VA 22204-2490

JRE  
Docket No. 1326-13  
December 16, 2013

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

Subj: FORMER FC1 [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149  
(2) CORB ltr 5220 CORB:002, 24 Sep 13  
(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 her naval record be corrected to show that she was retired by reason of physical disability on 1 March 2006 with a disability rating of 100%.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 December 2013 and, pursuant to its regulations, determined that the partial 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 the Navy Council of Review Boards expressed the opinion that at the time of Petitioner's transfer to the TDRL in 2006 her condition was ratable at 30 percent, and that it was not combat-related. He recommended that the Board consider granting her partial relief by adjusting the date of her transfer to the Retired List from 2011 to 2009.

d. A copy of enclosure (2) was sent to Petitioner on 15 October 2013 for her review and comment. To date no comments have been received from her.

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 adjustment of the date of Petitioner's transfer to the Retired List to 1 July 2009; however, the Board was not persuaded that the disability should be classified as combat-related, or that it was ratable at 100 percent, when she was transferred to the Temporary Disability Retired List effective 1 March 2006.

RECOMMENDATION:

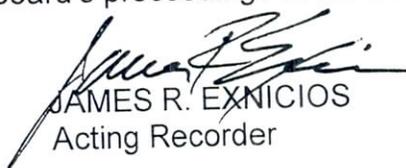
a. That Petitioner's naval record be corrected to show that she was permanently retired by reason of physical disability on 26 June 2009 with a disability rating of 100% for schizoaffective disorder.

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 PFEIFFER  
Executive Director