



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

HCG

Docket No. 6450-14

16 December 2014

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149
(2) Dir, SECNAVCORB ltr 5220 CORB: 002, 20 Nov 14
(3) Subject's VA records

1. Pursuant to the provisions of reference (a), Subject hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show he was retired by reason of physical disability.

2. The Board, consisting of Messrs. Grover, Rothlein and Clemmons, reviewed Petitioner's allegations of error and injustice on 10 December 2014 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 not filed in a timely manner, however the Board found it in the interest of justice to waive the statute of limitations and consider the application on its merits.

c. In correspondence attached as enclosure (2), the Director, Secretary of the Navy Council of Review Boards, recommended that the Board grant Petitioner's request.

CONCLUSION

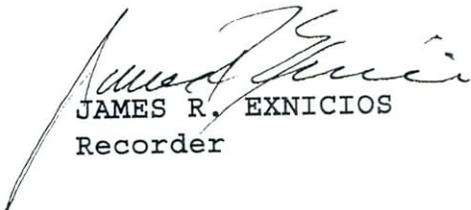
Upon review and consideration of all the evidence of record, and especially in view of the comments contained in enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 15 December 2006 he was permanently retired by reason of physical disability, in accordance with the provisions of title 10 U.S. Code, section 1201, with a disability rating of 60 percent under Department of Veterans Affairs Schedule for Rating Disabilities code 7199-7121, for Stage 3 Kidney Disease, which did not result from a combat related injury as defined by title 25, U.S. Code section 104 (b) (3).

b. 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 quorum was present at the Board's review and deliberation deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.


JAMES R. EXNICIOS
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.

A handwritten signature in black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director