



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

RJO
Docket No: 11362-14
2 September 2015

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

Subj: REVIEW OF NAVAL RECORD ICO
FORMER MBR **5 U.S.C. 552(B)(6)**

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

Encl: (1) DD Form 149 w/attachments
(2) CORB ltr 5220 Ser CORB: 002 of 25 Jun 2013

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 place him on the Permanent Disability Retirement List (PDRL).

2. The Board, **5 U.S.C. 552(B)(6)** reviewed Petitioner's allegations of error and injustice on 2 September 2015 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. Petitioner enlisted in the Marine Corps in October 2006 and served approximately five years before he was discharged at the end of his active service in September 2011. He was issued a RE-1A code after serving three combat tours. It was noted in his record that he was subjected to an Improvised Explosive Device explosion while riding in a MRAP in 2011.

c. Petitioner filed a BCNR petition in 2012 requesting placement on the PDRL due to his claim of Traumatic Brain Injury and Post-Traumatic Stress Disorder (PTSD). The Board denied his request by relying on the opinion contained in enclosure (2) that Petitioner's pre-separation medical assessments showed only mild impairment. Specifically, CORB pointed out that the Department of Veterans Affairs (VA) medical assessment conducted three weeks prior to Petitioner's separation showed that he scored a 65 on the Global Assessment of Functioning (GAF) test; which is reflective of mild impairment.

d. As part of his reconsideration request, the Petitioner submitted new evidence in the form of a letter from his former Commanding Officer that opines that the Petitioner's discharge code and narrative reason should be changed. In addition, two letters from mental health professionals that provided care to the Petitioner were included in his application. The first letter is from a VA staff psychiatrist that questions why Petitioner was not medically retired. A second letter is from a clinical psychologist who states the Petitioner scored a 35 on the GAF in January 2012, approximately four months after his discharge, which indicated major impairment.

e. Enclosure (2) addressed the January 2012 GAF assessment in the opinion. It was CORB's opinion that other factors contributed to the worsening of Petitioner's impairment; specifically alcohol abuse, difficulty adjusting to civilian life, and unemployment.

f. The VA rated Petitioner 100% disabled for PTSD as of 14 February 2012; five months after his discharge from the Marine Corps.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action.

The Board felt the Petitioner's PTSD condition was unfitting prior to his separation and he warrants placement on the PDRL with a disability rating of 100%. This conclusion was reached based on the severity of the Petitioner's condition approximately four months after his discharge from the Marine Corps. The Board relied upon significant drop in the Petitioner's GAF score from 65 to 35 in four months as strong evidence that Petitioner was suffering from PTSD that substantially impaired his ability to perform his duties. The Board was persuaded that an injustice exists because the PTSD symptoms manifested in such a severe manner in a relatively short time after discharge. Accordingly, the Board believes that an injustice exists if the Petitioner is denied placement on the PRDL.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. Petitioner be placed on the Permanent Disability Retirement List on 29 September 2011, with a disability rating of 100% under Department of Veterans Affairs code 9411, due to Posttraumatic Stress Disorder, a condition that is not combat related.

b. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that 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.

5 U.S.C. 552(B)(6)

STEVEN NEAL
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.

2 September 2015

5 U.S.C. 552(B)(6)

SCOTT F. THOMPSON
Executive Director

Reviewed and approved/~~disapproved~~.

5 U.S.C. 552(B)(6)

12/2/15

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RJO
Docket No: 11362-14
2 December 2015

From: Chairman, Board for Correction of Naval Records
To: Headquarters, U.S. Marine Corps

Subj: REVIEW OF NAVAL RECORD ICO
FORMER MBR 5 U.S.C. 552(B)(6)

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

Encl: (1) Approved findings, conclusions and recommendations of BCNR,
less enclosures

1. In accordance with reference (a), the Board for Correction of Naval Records has reviewed allegations of error and injustice in the naval record of the Petitioner.
2. The designated representative of the Assistant Secretary of the Navy for Manpower and Reserve Affairs has reviewed the proceedings of the Board and approved the recommendation for corrective action as set forth in enclosure (1).
3. The Regulations approved by the Secretary of the Navy require that the naval record of Petitioner to be corrected, where appropriate, in accordance with the approved recommendation of the Board.
3. The Board has advised Petitioner of the approved recommendation.
5. It is requested that this letter and enclosures be placed in Petitioner's official record, and that this Board be furnished a copy of any correspondence relating to this approved recommendation.

5 U.S.C. 552(B)(6)
DAVID J. CASH
By direction

5 U.S.C. 552(B)(6)



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Dear 5 U.S.C. 552(B)(6)

The Board for Correction of Naval Records recently reviewed allegations of error and injustice in your naval record pursuant to the provisions of Title 10 of the United States Code, Section 1552. The proceedings have been reviewed, and the recommendation of the Board has been approved on behalf of the Secretary of the Navy as set forth in the enclosure.

Headquarters, U.S. Marine Corps will make corrections to your record, where appropriate. Please do not contact HQMC until at least 180 days from the receipt of this letter regarding the status of your case.

5 U.S.C. 552(B)(6)

DAVID J. CASH

By direction

5 U.S.C. 552(B)(6)