



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

RJO
Docket No: 12220-14

MAR 19 2016

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

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

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

Encl: (1) DD Form 149 w/attachments
(2) 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 the applicable naval record be corrected to reflect he was placed on the Temporary Disability Retirement List on 30 December 1999 with a 70% disability rating vice 30%.
2. The Board, 5 U.S.C. 552(B)(6) reviewed Petitioner's allegations of error and injustice on 7 March 2016 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. Director, Secretary of the Navy Council of Review Board (CORB) provided an advisory opinion recommending partial relief in the Petitioner's case. He opined that the medical evidence provided by the Petitioner supported his placement on the Permanent Disability Retirement List with a disability rating of 60% under VASRD Disability Code 7502 for CHRONIC RENAL INSUFFICIENCY effective 30 December 1999.
 - c. A copy of CORB letter 5220 CORB: 002 of 5 January 2016 was provided to the Petitioner for comment. Petitioner did not respond to the request.

CONCLUSION

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

The Board substantially concurred with the CORB advisory opinion of 5 January 2016.

RECOMMENDATION:

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

a. He was placed on the Permanent Disability Retirement List with a disability rating of 60% under VASRD Disability Code 7502 for CHRONIC RENAL INSUFFICIENCY effective 30 December 1999.

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)

DAVID J. CASH
Recorder

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

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.

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

SCOTT F. THOMPSON
Executive Director