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

JRE
Docket No. 1963-15
20 March 2015

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) PERS ltr dtd 6 Jan 15
(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 the applicable naval record be corrected by restoring his name to the Temporary Disability Retired List (TDRL).

2. The Board, consisting of Messrs. Chapman, Spooner and Swarens, reviewed Petitioner's allegations of error and injustice on 19 March 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. Enclosure (1) was filed in a timely manner.

c. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office having cognizance over Sailors whose names are carried on the TDRL recommends, in effect, that Petitioner's name be restored to the TRDL and that he be afforded a final periodic examination followed by referral to the Physical Evaluation Board for a final determination of his disability status.

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 the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by restoring his name to the TDRL, and affording him a final periodic examination followed by referral to the Physical Evaluation Board for a final determination of his disability status.

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 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.

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.

ROBERT J. O'NEILL
Executive Director