



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

█
Docket No: 8719-20
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MBR █
█ USMC

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

Encl: (1) DD Form 149
(2) Psychiatric Advisor CORB letter 1910 CORB: 002 of 27 October 2021
(3) Director CORB letter 1910 CORB: 001 of 4 November 2021

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to place him on the disability retirement list.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 18 November 2021, 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, relevant portions of the 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 entered active duty with the Marine Corps in Jun 2003. He initially reported suicidal ideations during School of Infantry in November 2003 but successfully completed his training. During his deployment to Iraq in 2004, Petitioner was exposed to several traumatic events including an Improvised Explosive Device explosion and the accident killing of a family. As a result, he sought mental health treatment in February 2005 but was diagnosed with a personality disorder upon disclosing his desire to do anything to leave the Marine Corps. Consequently, he was processed for administrative separation and discharged on 2 August 2005 for personality disorder. That same year, Petitioner was diagnosed with Post-Traumatic Stress Disorder (PTSD) by the Department of Veterans Affairs (VA) and eventually assigned a 30% disability rating for his condition.

c. In correspondence attached in enclosures (2) and (3), the office having cognizance over Petitioner's request to be placed on the disability retirement list determined that the evidence

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supports relief. Specifically, the opinion states Petitioner was most likely suffering from PTSD upon his return from his deployment to Iraq and it resulted in significant interference with his ability to carry out the duties of his office, grade, rank, or rating. Based on his post-discharge VA rating of 30%, the opinion recommends his placement on the Permanent Disability Retirement List (PDRL) with a 30% rating and a combat related determination.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting relief. The Board substantially concurred with the advisory opinion in Petitioner's case and agreed with the finding that he, more likely than not, was symptomatic for PTSD upon his return from Iraq and should be rated at 30% consistent with his post-discharge VA rating. The Board also concurred that his PTSD was incurred as a result of combat.

RECOMMENDATION

In view of the above, the Board directs the following corrective action.

Petitioner's naval record be corrected by placing Petitioner on the PDRL for PTSD, VASRD Code 9411, with a 30% rating effective the day after his release from active duty. Petitioner's SPD code will be changed to FJ1 and his separation authority to MCO 1900.16 Par. 8401. Petitioner's disability did result from a combat related injury as defined by Title 26 U.S. Code Section 104(b)(3). Petitioner will be issued a new DD Form 214 reflecting these changes to his record.

4. 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.

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 Regulation, 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.

11/22/2021

[REDACTED]
Deputy Director
[REDACTED]