



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

[REDACTED]  
Docket No. 6801-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED], USN, XXX-XX-[REDACTED] (RET)

Ref: (a) Title 10 U.S.C. § 1552  
(b) Official Military Personnel File  
(c) DFAS guidance re: CRSC, retrieved from <https://www.dfas.mil/retiredmilitary/disability/crsc/>

Encl: (1) DD Form 149 w/attachments  
(2) Secretary of the Navy Council of Review Board's Advisory Opinion, 21 Mar 2023

1. Pursuant to the provisions of the reference, 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 by changing his record to show that he was retired due to disability and that he is entitled to Combat-Related Special Compensation (CRSC).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 April 2023 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 naval records, and applicable statutes, regulations and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although Petitioner's application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider the case on its merits. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. According to reference (b), Petitioner enlisted in the Navy and commenced a period of active duty on 19 October 1970. On 30 April 1974, the Petitioner completed his first enlistment, was issued a DD 214, and immediately reenlisted. On 16 November 1978, the Petitioner was notified that he was officially placed on the temporary disability retired list (TDRL) effective 31 October 1978. While on the TDRL, the Petitioner underwent periodic physical examinations (PPE). Subsequently, the Petitioner was transferred to the permanent disability retired list (PDRL), on 1 June 1983, with a 60% disability rating.

b. The Petitioner submitted a request for CRSC in 2022. On 9 August 2022, the Secretary of the Navy Council of Review Boards (CORB) denied his request for CRSC. The CORB's denial letter stated the reason for the denial was that the Petitioner was not in receipt of retired pay.

c. In support of enclosure (1), the Petitioner included evidence that he has been rated for service connected disabilities by the Department of Veterans' Affairs (VA), with an effective date of 20 August 2018.

d. To assist it in reviewing this petition, the Board obtained enclosure (2), an advisory opinion (AO). The AO concluded that the Petitioner is “eligible and meets all criteria for CRSC: he is in a retired status, entitled to receive retired pay, and has a qualifying disability rating from the Department of Veterans Affairs that is at least 10% disability incurred as the result of a combat-related event.” The AO continues by stating that Petitioner’s qualifying diagnosis are: Coronary Artery Disease with Stent Placement; VASRD Diagnostic Code (DC) 7005, Type I Diabetes Mellitus; VASRD DC 7913, Peripheral Neuropathy, Right Upper (Major) Extremity; VASRD DC 8514, Peripheral Neuropathy, Left Upper (Minor) Extremity; VASRD DC 8514, Peripheral Neuropathy with Sciatic Nerve Involvement, Right Lower Extremity; VASRD DC 8520, Peripheral Neuropathy with Sciatic Nerve Involvement, Left Lower Extremity; VASRD DC 8520, Peripheral Neuropathy with Femoral Nerve Involvement, Left Lower Extremity; VASRD DC 8526, and Peripheral Neuropathy with Femoral Nerve Involvement, Right Lower Extremity; VASRD DC 8526.

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting partial relief. Specifically, the Board concurred with the findings of the AO, finding that the Petitioner qualifies for CRSC based on the disability conditions listed in the AO. Further, the Board determined that, per reference (c), the retroactive effective date of Petitioner’s CRSC is 20 August 2012 (“six years from the date the VA awarded compensation for each disability.”)

#### RECOMMENDATION

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

Petitioner’s record shall be corrected to reflect that the Petitioner is entitled to CRSC, effective 20 August 2012, for the following disability conditions with associated ratings:

- a. Coronary Artery Disease with Stent Placement; VASRD Diagnostic Code (DC) 7005, 60%
- b. Type I Diabetes Mellitus; VASRD DC 7913, 40%
- c. Peripheral Neuropathy, Right Upper (Major) Extremity; VASRD DC 8514, 30%
- d. Peripheral Neuropathy, Left Upper (Minor) Extremity; VASRD DC 8514, 20%
- e. Peripheral Neuropathy with Sciatic Nerve Involvement, Right Lower Extremity; VASRD DC 8520, 20%
- f. Peripheral Neuropathy with Sciatic Nerve Involvement, Left Lower Extremity; VASRD DC 8520, 20%
- g. Peripheral Neuropathy with Femoral Nerve Involvement, Left Lower Extremity; VASRD DC 8526, 20%
- h. Peripheral Neuropathy with Femoral Nerve Involvement, Right Lower Extremity; V ASRD DC 8526, 20%

The Defense Finance and Accounting Service shall conduct an audit of Petitioner’s pay and it is authorized to pay any monies that are lawfully found to be due as a result of the above correction to Subject’s naval record.

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That part of the Petitioner's request for corrective action that exceeds the foregoing be denied. The Board did not grant the Petitioner's request that his record be changed to reflect that he is on the retired list because his record already reflects that he was placed on the PDRL on 1 May 1983.

That no further changes be made to Petitioner's naval record.

That a copy of this report of proceedings be filed in Petitioner's naval 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.

4/24/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]