



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

█  
Docket No. 8530-22  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER █, USN,  
█

Ref: (a) Title 10 U.S.C. § 1552  
(b) Official Military Personnel File

Encl: (1) DD Form 149 w/attachments

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), requests that this Board reconsider his status on the temporary disability retired list (TDRL).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 1 February 2024 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. According to the reference (b) official military personnel file, Petitioner enlisted in the Navy and commenced active duty on 23 April 2013. Petitioner's commanding officer prepared a non-medical assessment on 2 March 2017, stating, "[m]ember has a lifelong diagnosis that can be treated but not cured. His diagnosis can flare and cause significant health impacts for him especially if he were to experience his symptoms in an operational environment. He will not be available for overseas or sea duty orders." On 2 May 2017, an Informal Physical Evaluation Board (IPEB) found Petitioner to be unfit due to Ulcerative Colitis (Unstable) at 30%. The Medical Officer on the IPEB wrote, "The Board considered the combined effect of all conditions when making its fitness determination and applied this to the final adjudication. The Department of Veterans Affairs determined the rating percentage associated with the unfitting diagnosis. The PEB has enclosed their decision letter and supporting rationale." On 11 May 2017, President, Physical Evaluation Board, informed Chief of Naval Personnel that Petitioner should be placed on the TDRL. Petitioner was placed on the TDRL on 28 July 2017. Thereafter, Petitioner was administratively removed from the TDRL.

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[REDACTED]

b. In his petition, Petitioner requests that his TDRL status be reconsidered. In support of his request, Petitioner contends that he has Ulcerative Colitis (7323), and that it is a permanent autoimmune disorder. He states he was recently removed from TDRL status and that his autoimmune disorder can be triggered by mental and physical distress, and that he takes medication prescribed to manage symptoms, and he chronically experiences flair up symptoms that dramatically impact his daily life.

c. In connection with reviewing Petitioner's request, the Board conducted a review of medical records from the Department of Veterans' Affairs (VA) in order to discern the status of the condition for which Petitioner was placed on the TDRL. Based on review of the VA clinical record, Petitioner's Ulcerative Colitis continues to be characterized as moderately severe; with frequent exacerbations, which often require steroid treatment and/or missed work. Overall, the unfitting condition has remained materially unchanged and stable for ratings purposes from the time he was placed, and administratively removed from, the TDRL, and the condition is of a permanent nature. The Board determined Petitioner remains unable to perform the duties of his office, grade, rank, or rating.

## CONCLUSION

In its review of the entirety of Petitioner's materials as described above, and in particular its review of applicable VA medical records since his placement on the TDRL, the Board concluded Petitioner's condition remains unfitting and precludes the member from future naval service. Thus, the Board concluded the 30% rating associated with the unfitting condition should be finalized consistent with the rating issued at the time of placement on the TDRL and that Petitioner should be placed on the permanent disability retired list effective the date of his removal from the TDRL.

## RECOMMENDATION

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

That Petitioner be placed on the permanent disability retired list effective the date that he was removed from the TDRL for the following condition:

ULCERATIVE COLITIS, DC 7323, rated at 30%. Not CZ/CR.

The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine Petitioner's pay entitlements.

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

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[REDACTED]

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.

2/26/2024

