



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

[REDACTED]  
Docket No. 5111-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED], USN,  
XXX-XX-[REDACTED]

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 the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her status in regards to the temporary disability retired list (TDRL) be reviewed and that a final determination as to her condition be made.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 7 September 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. A review of Petitioner's reference (b) Official Military Personnel File (OMPF) reveals that Petitioner enlisted in the Navy and commenced a period of active duty on 17 July 2006. On 21 December 2007, Petitioner was found to be unfit at 40% due to epilepsy and to be placed on the TDRL. On 25 January 2008, President, PEB notified the Chief of Naval Personnel that Petitioner was to be placed on the TDRL. On 15 January 2014, Navy Personnel Command notified the Secretary of the Navy Council of Review Boards (CORB) that Petitioner had been on the TDRL for five years without a final disposition and that she should be removed from the TDRL. On 10 February 2014, the President, PEB notified Chief of Naval Personnel that Petitioner was to be administratively removed from the TDRL. Thereafter, Petitioner was removed from the TDRL.

c. In her petition, Petitioner seeks to have her status on the TDRL be reviewed and that a final decision be made concerning her physical condition. In support of her petition, Petitioner

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contends that she contacted Per-95 of Navy Personnel Command inquiring as to her status, and she was advised that she was removed from the TDRL due to the expiration of five years.

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board concluded that there was an error in Petitioner's naval record. Specifically, the Board determined that there was insufficient evidence in the record to conclude that Petitioner was given notice of any final periodic physical examination. Similarly, there is no information in the record concerning any efforts to contact Petitioner prior to her removal from the TDRL.

Had Petitioner remained on the TDRL, she would have been regularly reviewed by periodic physical examinations (PPE) to determine the level of her disability as well as stability of her condition(s), among other things. Therefore, Petitioner shall be directed to a final periodic physical examination to be scheduled by the PEB at its earliest convenience in order to determine the current level of disability rating and a determination whether she should be placed on the permanent disability retired list, be separated with severance pay, or another disposition, as appropriate based on the findings of the PPE.

#### RECOMMENDATION

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

Petitioner's naval record by directing that she be reviewed by the Physical Evaluation Board for consideration of Petitioner's physical condition as of the date she was removed from the TDRL and determination of whether she should have been placed on the Permanent Disability Retired List, be separated with severance pay, or another disposition, as appropriate based on the findings of the PPE. All due process rights associated with the Disability Evaluation System will be afforded to the Petitioner as part of the Physical Evaluation Board review.

And no other action.

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.

9/25/2023