



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

█
Docket No. 6664-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO █, USNR,
XXX-XX-█

Ref: (a) Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/attachments
(2) Abbreviated Medical Evaluation Board Report, 22 Nov 22
(3) Electronic Personnel Action Request, 22 Nov 22

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 by being found UNFIT for continued naval service and placed on the disability retirement list, (2) changing the separation date on his Certificate of Release or Discharge from Active Duty (DD Form 214) to 21 May 2023, and (3) receiving any pay and allowances as a result of the discharge date error.

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 12 October 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. The Petitioner enlisted in the United States Navy and entered active duty on 25 November 2019. Petitioner was approved to go on terminal leave from 4 November 2022 to 24 November 2022 and traveled to his home of record in █. While on terminal leave, Petitioner had a medical emergency and underwent an open-heart procedure, mitral valve repair, due to complications of Endocarditis on 11 November 2022. Due to Petitioner's expected recovery time of six months, and requirement to take an anti-coagulant medication, Petitioner underwent an abbreviated Medical Evaluation Board (MEB), enclosure (2). The MEB approved Petitioner for placement on limited duty (LIMDU) for six months until 21 May 2023. The MEB physician noted "due to service member being given a mechanical valve he will need Coumadin, which is not compatible with continued military service and will need PEB [Physical Evaluation Board]

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referral once medically stabilized.” The Convening Authority (CA) concurred and endorsed the MEB. Petitioner’s Commanding Officer (CO) submitted to Naval Personnel Command (NPC) an Electronic Personnel Action Request, enclosure (3), requesting to extend Petitioner’s enlistment 180 days due to medical complications.

b. Petitioner’s current official military personnel file contains two DD Form 214s. One DD 214 states a discharge date of 27 September 2022, a second states a discharge of 24 November 2022. Petitioner’s record also states that he was transferred to the Naval Reserve on 28 September 2022. Petitioner contends that he should have been referred to the PEB and medically retired and that his DD Form 214 and record are erroneous as they state the wrong discharge date.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of error and injustice warranting relief.

First, the Board found the Petitioner’s DD Form 214s are incorrect. The Board noted Petitioner was approved to be on limited duty for six months as indicated by enclosure (2); however, Petitioner’s DD Form 214 states 24 November 2022 as the separation date. Due to the errors, the Board determined NPC shall audit Petitioner’s record to determine the actual release from active duty date and issue a new DD Form 214 or DD Form 215.

Second, the Board determined sufficient evidence exists to support a finding that Petitioner erroneously was unfit at the time of his discharge for Endocarditis, status post mitral valve and repair, at 30%, Department of Veterans Affairs (VA) Code 7001-7016. The Board found this condition warrants Petitioner placement on the Temporary Disability Retirement List (TDRL) effective the day following the date Petitioner was actually discharged from active duty.

RECOMMENDATION

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

That Petitioner be found Unfit and placed on the Temporary Disability Retired List at a combined rating of 30% for the following condition:

1. Endocarditis, VA Code 7001-7016, rated at 30%, permanent, not stable, not combat related (NCR), not incurred in a combat zone (NCZ).

The Physical Evaluation Board make a final determination of Petitioner’s disability status in accordance with Title 10, U.S. Code, Section 1210. All due process rights associated with the Disability Evaluation System will be afforded to the Petitioner as part of the Physical Evaluation Board review.

That Navy Personnel Command conduct an audit of Petitioner’s record to ensure Petitioner’s record reflects Petitioner’s correct status on the TDRL, and will issue a DD Form 215 or a new

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DD Form 214, whichever one they deem appropriate, that accurately reflects Petitioner's release from active duty date with any associated changes to block 12.

The Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

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.

11/17/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]