



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

█
Docket No. 9533-23
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER █, █,
USN, XXX-XX-█

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), requesting that his naval record be corrected by placing him back on the Temporary Disability Retired List (TDRL).

2. The Board, consisting of █, █, and █ reviewed Petitioner's allegations of error and injustice on 21 December 2023, 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 a period of active duty on 2 August 2017. During his service, Petitioner was placed into the Disability Evaluation System, was found to be unfit for further service, and was transferred to the TDRL on 28 May 2020. Petitioner was administratively removed from the TDRL in 2023.

b. In his petition, Petitioner requests to be returned to the TDRL. In support of his request, he contends that he was removed from the TDRL without any notice, "during the height of the pandemic." He asserts his separation from the Navy was "fast and abrupt" and that he was not instructed or informed of the TDRL process.

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. A review of the applicable VA

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medical records yielded that the Petitioner's unfitting condition is materially unchanged, of a permanent nature, and stable for ratings purposes, as follows:

1. BIPOLAR I DISORDER, MOST RECENT EPISODE MANIC WITH PSYCHOTIC FEATURES (STABLE), DC 9432, rated at 50%

Not Combat Zone/Combat Related

CONCLUSION

Petitioner's requested relief appeared to request a return to the TDRL, but in its review of the entirety of Petitioner's materials as described above, and in particular its review of applicable VA medical records, the Board concluded that the Petitioner is entitled to relief in the form of placement on the Permanent Disability Retired List (PDRL) as described in the recommendation below.

RECOMMENDATION

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

That Petitioner be placed on the PDRL effective the date that he was removed from the TDRL for the following condition:

1. BIPOLAR I DISORDER, MOST RECENT EPISODE MANIC WITH PSYCHOTIC FEATURES (STABLE), DC 9432, rated at 50%. Not CZ/CR.

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

1/20/2024

