



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

█
Docket No. 67-24
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 her naval record be corrected by directing that she be evaluated for placement on the permanent disability retired list (PDRL).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 18 January 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. 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.

b. According to the reference (b) official military personnel file (OMPF), Petitioner enlisted in the Navy and commenced active duty on 6 May 2014. On 6 December 2016, an Informal Physical Evaluation Board (IPEB) found that Petitioner was unfit due to post-traumatic stress disorder (PTSD) rated at 70% disabling. On 27 February 2017, Petitioner was placed on the temporary disability retired list (TDRL). Although the date is not available in Petitioner's OMPF, she was eventually administratively removed from the TDRL.

c. In connection with reviewing Petitioner's request, the Board obtained 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. According to the medical record review, Petitioner received an interval VA ratings evaluation for the unfitting condition PTSD,

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

effective 1 Nov 2019, at 50%. This rating was considered accepted by the PEB and applied to Petitioner's condition, which is considered permanent and stable.

CONCLUSION

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.

Based on the medical record review, the Board found that Petitioner remains unable to perform the duties of her office, grade, rank, or rating, and she should be transferred to the Permanent Disability Retired List (PDRL), effective the date she was removed from the TDRL, for PTSD, DC 9411, rated at 50%.

The Board considered combined effect and the three bases of unfitness per DODI 1332.18, and determined no other additional conditions were unfit or caused by, or directly related to, the treatment of a condition for which the Service member was previously placed on the TDRL.

RECOMMENDATION

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

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

PTSD, DC 9411, rated at 50%

Not CR/CZ.

This results in a rating of 50%.

The DFAS shall audit the Petitioner's pay account for payment of back pay to the date of Petitioner's placement on the TDRL and any lawful monies owed.

That no other changes be made to Petitioner's 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

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

corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

2/7/2024

