



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 8741-01  
2 January 2002

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

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149

1. Pursuant to the provisions of reference (a), widow of Subject deceased former service member, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that her late husband's naval record be corrected to show that he was retired by reason of physical disability.

2. The Board, consisting of Messrs. Pfeiffer, Zsalmán and Adams, reviewed Petitioner's allegations of error and injustice on 31 December 2001 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, 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 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.

b. Enclosure (1) was filed in a timely manner.

c. On 6 September 2001, Subject was found unfit for duty by the Physical Evaluation Board because of recurrent, refractory non-Hodgkin's lymphoma, stage IVb, mantle cell type, which was rated at 100% disabling under VA diagnostic code 7715. Subject's transfer to the Temporary Disability Retired List was deferred at his request. He died unexpectedly on 26 December 2001 of a condition related to his disability.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds that it would be in the interest of justice to grant Petitioner's request.


RECOMMENDATION:

a. That Subject's naval record be corrected to show that the Secretary of the Navy placed his name on the Temporary Disability Retired List effective 25 December 2001 pursuant to 10 U.S. Code 1202, with a disability rating of 100% under VA code 7715, for recurrent, refractory non-Hodgkin's lymphoma, stage IVb, mantle cell type, which did not result from a combat related injury.


b. That a copy of this Report of Proceedings be filed in Subject naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.

ROBERT D. ZSALMAN  
Recorder

  
JAMES R. EXNICIOS  
Acting Recorder

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 Regulations, 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.

  
W. DEAN PFEIFFER  
Executive Director