



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

[REDACTED]  
Docket No: 6644-16  
MAR 17 2017

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

Subj: REVIEW OF NAVAL RECORD ICO  
[REDACTED] XXX-XX- [REDACTED] USMC RET

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

Encl: (1) DD Form 149 w/attachments  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to grant him combat related special compensation (CRSC) for all his Department of Veterans Affairs (VA) disabilities.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 16 February 2017 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. Petitioner was found unfit for continued naval service by the Physical Evaluation Board (PEB) for Post-Traumatic Stress Disorder (PTSD) and upper back pain. He was issued disability ratings of 70% and 20%, respectively, for each condition. His PTSD condition was determined to have been incurred as a direct result of a combat related injury in the line of duty as a direct result of armed conflict.

c. Petitioner for CRSC on 14 January 2016 and was denied by the CRSC Board on 11 February 2016 based on lack of evidence that his conditions were caused by specific combat related events. Petitioner requested reconsideration and was again denied by the CRSC Board on the same basis.

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## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action.

The Board concluded that the Petitioner's record supports a finding that his VA rated PTSD condition was incurred as a direct result of armed conflict. In the Board's opinion, the Physical Evaluation Board's determination that his PTSD was a combat related injury incurred as direct result of armed conflict was sufficient evidence to meet the standard of proof necessary to grant CRSC in this case. However, the Board concluded that Petitioner failed to provide sufficient evidence that his remaining VA rated disability conditions were the result of events that would qualify for CRSC.

## RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:


a. Petitioner was granted a CRSC determination of "Armed Conflict" for Post-Traumatic Stress Disorder, VASRD 9411, with a CRSC effective date of 1 August 2015 and a 70% disability rating.

b. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that 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.

  
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.

  
Executive Director