



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

Docket No: 6871-17  
MAR 13 2018

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MBR [REDACTED] USN,  
[REDACTED]

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

Encl: (1) DD Form 149 w/attachments  
(2) Director CORB ltr 5220 CORB: 002 of 25 Apr 2017  
(3) [REDACTED] ltr of 13 May 2014  
(4) Chronological Record of Medical Care of 10 Aug 2012  
(5) Evaluations reports and Counseling Records

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 place Petitioner on the disability retirement list.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 February 2018 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. Additionally, the Board considered enclosure (2); a copy of which was previously provided to the Petitioner for comment.

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 entered active duty with the Navy in August 2003. He suffered an intraocular injury to his right eye during work in August 2010 that required a corneal laceration repair and cataract lens implant the following month. His right eye vision became uncorrectable up to 20/400. See enclosures (3) and (4).

c. Petitioner returned to his primary duty as a High Risk Survival/Physical Training Instructor and earned performance trait averages above the Fleet standards. However, in 2011, Petitioner was not selected by the FY-12 quota based enlisted retention board. See enclosure (5).

d. On 10 August 2012, Petitioner underwent a physical which cleared him for Reserve duty despite his severe visual acuity deficit. Petitioner received his highest performance evaluation

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upon his discharge on 1 September 2012 with a 5.0 trait average and a #1 ranking among his peers.

e. Post-discharge, the Department of Veterans Affairs (VA) rated Petitioner for his eye condition. He was rated for punctured globe with pseudophakia, right eye at 30% and scar, residual punctured globe of right eye at 30%.

f. In enclosure (2), Director CORB opined that the evidence does not support relief. He relies on Petitioner's superior performance and lack of evidence, such as light duty, that shows an occupational impairment to recommend denial of relief.

## CONCLUSION

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

The Board concluded that Petitioner suffered an injustice due to the existence of his serious eye injury that led to his permanent visual acuity problems. The Board determined that Petitioner was able to perform adequately in his assigned duties since he was working as a High Risk Water Survival/Physical Training Instructor instead of within his rating of Aviation Structural Mechanic (AM). The Board reached the conclusion that Petitioner would not have been able to meet performance standards of his rating and paygrade had he been assigned to perform AM duties that involved manual dexterity involving tools and meticulous mechanical work due to the uncorrectable eyesight in his right eye. While the Board understood the basis for the opinion in enclosure (2), the Board felt it would be an injustice to prevent Petitioner from receiving disability benefits just because he was able to perform specialized duties outside his rating. In the Board's opinion, he met the standard of SECNAVINST 1850.4E for unfitness for continued naval service since he would have been unable to perform the duties of his rating. Based on his combined VA rating for his eye conditions, the Board determined it appropriate to place him on the Temporary Disability Retirement List at a combined 50%.

## RECOMMENDATION

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

Petitioner was placed on the Temporary Disability Retirement List for punctured globe with pseudophakia, right eye, VASRD 6027 (or other appropriate disability code), at 30%, and Scar, residual punctured globe of right eye, VASRD 6011 (or other appropriate disability code), at 30%, for a combined rating of 50% effective 2 September 2012.

A copy of this Report of Proceedings will be filed in Petitioner's 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 quorum was

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[REDACTED]

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.

[REDACTED]  
Recorder

5. The foregoing action of the Board is submitted for your review and action.

[REDACTED]  
Executive Director

Reviewed and Approved / Disapproved

[REDACTED]  
3/27/2018