



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

█
Docket No. 606-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER █
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Ref: (a) Title 10 U.S.C. § 1552
(b) Official Military Personnel File
(c) Interval Department of Veterans' Affairs Medical Records

Encl: (1) DD Form 149 w/attachments

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that she be placed on the permanent disability retired list (PDRL).

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 21 March 2024 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, relevant portions of 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, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. A review of Petitioner's reference (b) Official Military Personnel File reveals that the Petitioner enlisted in the Navy and commenced a period of active duty on 1 June 2010. On 28 May 2020, Petitioner was placed on the temporary disability retired list (TDRL) due to Subacute Cutaneous Lupus Erythematosus with a 60% disability rating. Thereafter, for reasons that are not clear, she was administratively removed from the TDRL.

c. In her petition, Petitioner requested to be placed on the PDRL. In support of her request, Petitioner asserted that she was never contacted after she was placed on the TDRL despite keeping her contact information updated.

d. In connection with reviewing Petitioner's request, the Board facilitated a review of interval Department of Veterans' Affairs (VA) medical records in order to discern the status of the condition for which Petitioner was placed on the TDRL. A result of the review of applicable VA medical records yielded that the Petitioner's conditions remained static over time based on

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applicable medical principles. As a result of this review, the Board found that the following condition and associated rating applies to the unfitting condition, which is permanent and stable:

UNFIT for SUBACUTE CUTANEOUS LUPUS ERYTHEMATOSUS, DC 6250-7809, rated at 60%, not CZ not CR

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 Petitioner was previously placed on the TDRL.

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 in the form of placement on the 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 she was removed from the TDRL for the following conditions:

UNFIT for SUBACUTE CUTANEOUS LUPUS ERYTHEMATOSUS, DC 6250-7809, rated at 60%, not CZ, not CR.

Note: The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine Petitioner's pay entitlements.

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.

4/5/2024

