



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

█
Docket No. 7240-24
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
(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 he be placed on the permanent disability retired list (PDRL).

2. The Board, consisting of █, █, and █, reviewed Petitioner's allegations of error and injustice on 7 November 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. 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. A review of reference (b) reveals Petitioner enlisted in the Navy and commenced active duty on 25 September 2002. According to documents available from the Department of the Navy Council of Review Boards (CORB), Petitioner was found unfit by the Physical Evaluation Board (PEB) and placed on the Temporary Disability Retired List (TDRL) effective 28 January 2013 due to Ulcerative Colitis, DC 7323, rated at 30%.

c. In his petition, Petitioner requests to be placed on the PDRL. In support of his request, Petitioner contends that he was removed from the TDRL in March 2018 without having received a final periodic physical examination.

d. In connection with reviewing Petitioner's request, the Board facilitated a review of reference (c) interval 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

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

yielded that near the end of Petitioner's TDRL period he had difficulty accessing specialty care and his condition continued as "moderately severe; with frequent exacerbations;" which warranted a continued 30% rating under DC 7323.

CONCLUSION

In its review of the entirety of Petitioner's materials as described above, and in particular its review of applicable interval 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 he was removed from the TDRL for the following condition:

Unfit for ULCERATIVE COLITIS (stable), DC 7323, rated at 30%.

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

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.

12/3/2024

