



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

██████████
Docket No. 7423-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████, USN RET,
XXX-XX-██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) Petitioner's Official Military Personnel Folder

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 his Certificate of Release or Discharge from Active Duty (DD Form 214) to reflect that he was transferred to the permanent disability retired list (PDRL) with a 70% disability rating as of 22 March 2024.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 23 January 2025 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 reference (b) reveals that he enlisted in the Navy and commenced active duty on 13 December 2011. During his service, Petitioner was placed into the Disability Evaluation System (DES) and reviewed by the Physical Evaluation Board (PEB). On 1 June 2022, the PEB found Petitioner to be unfit due to MAJOR DEPRESSIVE DISORDER, SINGLE EPISODE, SEVERE WITHOUT PSYCHOTIC FEATURES (Unstable), DC 9434, rated at 70%. On 27 September 2022, Petitioner was transferred to the temporary disability retired list (TDRL).

c. Effective 26 July 2023, the PEB accepted an interval rating from the Department of Veterans' Affairs (VA) for Petitioner's unfitting condition from 70% to 10%. This reduction resulted in Petitioner being separated with severance pay. Petitioner submitted documentation from the VA, dated 25 June 2024, that establishes the VA had reduced his rating from 70% to 10% based on a "clear and unmistakable error" and the "evaluation is confirmed and continued as 70 percent disabling." This information has been confirmed via the Joint Legacy Viewer (JLV).

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d. Were it not for this “clear and unmistakable error,” Petitioner would have been transferred to the PDRL effective the date that he was removed from the TDRL as “Unfit for MAJOR DEPRESSIVE DISORDER, SINGLE EPISODE, SEVERE WITHOUT PSYCHOTIC FEATURES (Stable), DC 9434, rated at 70%.”

e. In his petition, Petitioner requests to have the narrative reason for discharge changed to reflect that he was placed on the PDRL effective 22 March 2024 and provided supporting documentation described above.

f. In order to evaluate this petition, as noted above, the Board effected a review of the JLV, via the Council of Review Boards, which confirmed that Petitioner’s reduction in rating to 10% was in error.

CONCLUSION

Upon review and consideration of the evidence of record, the Board concluded that there was an error in Petitioner’s naval record that warrants relief. Specifically, the Board determined that Petitioner was removed from the TDRL with severance in error and that he should be placed on the PDRL as set forth in the following recommendation.

In terms of the effective date, the Board recommends relying upon the Defense Finance and Accounting Service (the DFAS) to confirm the date that Petitioner was removed from the TDRL with severance pay, and that his transfer to the PDRL would be effective that date.

RECOMMENDATION

In view of the above, the Board directs the following corrective action.

That Petitioner be placed on the PDRL as unfit effective the date that he was removed from the TDRL for the following condition:

Unfit for MAJOR DEPRESSIVE DISORDER, SINGLE EPISODE, SEVERE WITHOUT PSYCHOTIC FEATURES (Stable), DC 9434, rated at 70% non combat related/not combat zone.

The Petitioner shall be issued appropriate documentation informing him of his transfer to the PDRL and any benefits associated therewith.

The DFAS shall audit Petitioner’s pay account for payment of any lawful monies owed.

A copy of this decision letter shall be placed in Petitioner’s Official Military Personnel Folder.

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

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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.

2/27/2025

