



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

[REDACTED]
Docket No. 8950-24
Ref: Signature Date

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

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

Ref: (a) Title 10 U.S.C. § 1552
(b) DoDI 1332.18
(c) Petitioner's Case File

Encl: (1) DD Form 149

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by being placed on the Permanent Disability Retired List (PDRL).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 12 December 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 the 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 entered active duty in the United States Navy on 9 October 2013. On 4 April 2019, Petitioner was placed on limited duty for Meniere's Disease. The Medical Board Report noted Petitioner was experiencing sensorineural hearing loss to the right ear with vertigo occurring 3-4 times per week without identifiable trigger, and persistent tinnitus that increased in severity during vertigo. The Physical Evaluation Board (PEB) found Petitioner Unfit due to Meniere's Disease, Department of Veterans Affairs (VA) Code 6205 at a 100% rating. On 26 February 2020, Petitioner transferred to the Temporary Disability Retired List (TDRL).

c. Petitioner did not undergo a periodic physical examination (PPE) and was subsequently administratively removed from the TDRL. Petitioner states that he has lost healthcare and asks for placement on PDRL as the Department of Veterans Affairs (VA) found that his condition is 100% disabling, effective 7 November 2022.

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d. Per reference (b), when a service member is placed on TDRL, the Military Department is supposed to review Department of Defense and or VA medical treatment records of the service member within 16 months of being placed on TDRL. In addition, the Military Department may rely on that documentation to determine whether there has been a change in disability. There is no information regarding why Petitioner was not scheduled for a PPE and there is no evidence of an interval update.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error and injustice warranting partial relief. Specifically, the Board found Petitioner may not have received notification of a PPE since there is no documentation in Petitioner's PEB case file. Therefore, the Board found that there is insufficient evidence to determine whether a transfer to the PDRL is warranted. Thus, the Board concluded Petitioner warrants placement back on the TDRL for the purpose of a PPE to determine Petitioner's medical status.

RECOMMENDATION

In view of the above, the Board recommends the following corrective action:

Petitioner be placed back on the Temporary Disability Retired List, effective the date of his removal, for purposes of a conducting periodic examination with Otolaryngology and Ears, Nose and Throat, for the following condition:

1. Meniere's Disease VA Diagnostic Code 6205, rated at 100%, not combat related (NCR), not incurred in a combat zone (NCZ).

That Petitioner's naval record be corrected as necessary to implement the outcome of the disability evaluation to be conducted pursuant to this corrective action. All due process rights associated with the Disability Evaluation System will be afforded to the Petitioner as part of the PPE and subsequent PEB review.

Note: If the PPE process results in a correction to Petitioner's naval record, his corrected naval records and this decision shall be forwarded to the Defense Finance and Accounting Service to determine what, if any, back pay, allowances, and benefits may be due Petitioner as a result of this corrective action.

That a copy of this report of proceedings be filed in Petitioner's naval record.

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 Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

2/7/2025

