



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

██████████  
Docket No. 9697-24  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your request for reconsideration of the denial of your previous petition on 6 March 2025. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

As it has set forth in its several prior letters to you, a review by the Board of your record revealed that on 30 January 2001, you entered service in the Navy. You were separated on 29 January 2006 after completing your active duty obligation. On 3 April 2007, you reenlisted in the Navy, and you were released on 1 October 2011 at the completion of your required active service and transferred to the Navy Reserve. While in the Navy Reserve, you deployed to Afghanistan from 15 August 2014 to 10 May 2015. On 4 March 2016, you were treated by the Department of Veterans Affairs (VA) for mental health symptoms related to your deployment. You were eventually awarded service connected disability ratings from the VA totaling 80% for Right Hip Strain/Limited Flexion (10%), Left Knee Meniscal Tear (20%), Sleep Apnea (50%), PTSD (30%), Right Hip Strain/Thigh impairment (0%), Hypothyroidism (10%).

On 8 August 2017, your commanding officer submitted a non-medical assessment in connection with your medical readiness review for you to remain in the Navy Reserve. According to your commanding officer, you were working out of your rating, but that you were providing valuable service to the command through training. On 31 October 2017, the Department of the Navy Bureau of Medicine and Surgery (BUMED) determined you were not physically qualified (NPQ) for retention in the Navy Reserve due to hypothyroidism, sleep apnea, right hip pain due to labral

tear, patella femoral syndrome, intermittent back pain, PTSD causing depressed mood, and anxiety. You elected to have your NPQ status reviewed by the Physical Evaluation Board (PEB). In the meantime, in May 2018, you underwent hip surgery to repair a labral tear. On 13 September 2018, the VA increased your PTSD rating to 100%. On 22 October 2018, the PEB found you to be physically qualified to continue in the Navy Reserve. On 21 February 2019, you reenlisted for two years.

You filed a petition with this Board in 2020 in which you requested to receive a disability retirement. In connection with reviewing that petition, this Board obtained an advisory opinion (AO) from the Department of the Navy Council of Review Boards (CORB), which opined that you were able to perform the duties of your paygrade. The Board informed you that it denied your petition by letter dated 25 February 2021, explaining it concurred with the findings of the CORB AO. You were discharged from the Navy Reserve on 27 February 2021. You filed another petition with this Board in 2021, again requesting a disability retirement. The Board informed you by letter dated 22 November 2021 that your petition was denied, explaining that it affirmed the previous Board's decision to deny your request for disability retirement benefits based on the same rationale.

You filed another petition in 2022 seeking a disability retirement. In connection with reviewing that petition, the Board obtained another AO, dated 18 September 2023, which was considered favorable to your request. The Board informed you by letter dated 28 September 2023 that it granted your requested relief in part, explaining that it substantially concurred with the findings of the 18 September 2023 AO. Thus, the Board recommended that you be placed on the Permanent Disability Retired List (PDRL) for (1) Right Hip Strain/Impingement with limited flexion, rated at 10%, permanent and stable, not combat related (NCR), combat zone (CZ), and (2) Post Traumatic Stress Disorder (PTSD) (with secondary Depressive Disorder, NOS), rated at 100%, permanent and stable, not combat related (NCR), combat zone (CZ).

Next, you filed a claim for Combat Related Special Compensation (CRSC) with the CRSC Board for your PTSD, which the CRSC Board denied on 21 December 2023. In denying your request, the CRSC Board explained, "your witness or exposure to traumatic events is not in itself sufficient to qualify for a combat-related determination. Your application package does not establish that specific combat-related events caused your diagnosis." You filed another request with the CRSC Board, which it denied for similar reasons on 18 March 2024. You then filed another request with the CRSC Board, which denied your request on 31 July 2024. In explaining its denial of your request, the CRSC Board cited as a reason, among other things, that this Board, explained to you in a letter that your disability did not result from a combat-related injury.

In your latest petition, you request that this Board change its previous finding relating to its finding of your PTSD condition so that it reflects that it is combat related. In support of your request, you assert that you worked in an Afghani hospital screening patients for bombs. You also provided as reference this Board's prior finding that recommended relief to place you on the PDRL, findings of the CRSC Board, and medical letters stating that you have been receiving treatment for PTSD since June 2021, and another from your treating physician listing your diagnoses. You also sent an email to this Board in which you argued that you were denied CRSC for PTSD because of this Board's prior finding that your PTSD was not combat related,

and that you now seek to have that finding changed so that you can seek to obtain CRSC for your PTSD.

In its review of your current petition, the Board observed that it was tantamount to a request for reconsideration of this Board's 28 September 2023 decision, which recommended that you be placed on the PDRL for PTSD and Right Hip Strain. After complete review of your petition and the materials you provided, the Board disagreed with your rationale for relief and denied your request. In reaching its decision, the Board carefully considered the material that you provided but determined that information did not tend to address the underlying facts upon which this Board based its decision to recommend that you be placed on the PDRL. Specifically, as set forth in its letter dated 28 September 2023, the Board relied in large part on the 18 September 2023 AO to support its recommendation that you be placed on the PDRL for PTSD and Right Hip Strain. That AO found that your conditions were not combat related (NCR) and combat zone (CZ). In its review of the materials that you provided in your current petition, the Board found that those materials were insufficient for the Board to change its recommendation in its prior determination. Specifically, the material you provided with your current petition did not sufficiently rebut the conclusions made by the AO, which underpinned the recommendation of this Board. Accordingly, based on the foregoing, the Board denied your request.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

3/20/2025

