



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

█
Docket No. 10238-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █, █,
USN, █

Ref: (a) 10 U.S.C. § 1552
(b) Official Military Personnel File (OMPF)
(c) Interval Department of Veterans Affairs Medical Records
(d) 10. U.S.C Chapter 61

Encl: (1) DD Form 149 w/enclosures

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 she be returned to the Temporary Disability Retired List (TDRL) or 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. The names and votes of the panel members will be furnished upon request. The allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of the enclosures, relevant portions of the individual's naval record, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all of the evidence of record pertaining to Petitioner's allegations of error or injustice, finds 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), Petitioner's OMPF, reveals Petitioner enlisted in the Navy on 8 November 2011 for four years and extended her enlistment for seven months on 17 August 2015. In March 2018, the Physical Evaluation Board (PEB) found her to be unfit due to Anxiety Disorder, Unspecified (Unstable), with a 50% rating. On 6 June 2018¹, Petitioner was transferred to the TDRL.

¹ Reference (b) does not contain Petitioner's Certificate of Release or Discharge from Active Duty (DD Form 214).

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

c. According to Petitioner's PEB record, on 8 December 2022, she was administratively removed from the TDRL after the report of her 28 June 2021 Periodic Physical Examination (PPE) at [REDACTED] was not received or processed by the Navy PEB.

d. Petitioner contends she was removed from the TDRL due to noncompliance despite the completion of her final evaluation on two separate dates, 25 May 2021 and 28 June 2021. She further contends she was not made aware of the removal until 25 September 2024, when she tried to renew her military identification card. In support of her request to be returned to the TDRL, she submitted copies of her 25 May 2021 and 28 June 2021 medical documents to prove she completed her PPE. Additionally, Petitioner submitted a screenshot of her Department of Veterans Affairs (VA) web account reflecting her Total Combined Disability rating of 100% and a list of her rated disabilities. See enclosure (1).

e. In connection with reviewing Petitioner's request, the Board facilitated a review of reference (c) in order to discern the status of the condition for which Petitioner was placed on the TDRL. A review of applicable VA medical records yielded that, effective 12 February 2019, the VA upgraded her rating for the Anxiety Disorder to 70% (DC 9434).

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board concluded Petitioner is entitled to relief.

Based on the review of Petitioner's reference (c) documents, the Board determined Petitioner's unfitting condition is of a permanent nature and stable, for ratings purposes, at 70%, and that she was unable to perform the duties of her office, grade, rank, or rating effective 12 February 2019. Accordingly, the Board determined Petitioner's interval rating by the VA is considered sufficient, consistent with reference (d) requirements, and should be applied with placement on the PDRL as follows:

ANXIETY DISORDER, UNSPECIFIED (Stable), DC 9434, rated at 70%.

RECOMMENDATION

In view of the above, the Board recommends the following corrective action be taken on Petitioner's naval record.

That Petitioner be placed on the PDRL, effective 12 February 2019, for the following condition:

ANXIETY DISORDER, UNSPECIFIED (Stable), DC 9434, rated at 70%².

² The Board found no evidence to change the original PEB finding that Petitioner's disability did not result from a combat related injury as defined by Title 26 U.S. Code Section 104(b)(3).

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

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

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 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.

12/2/2024

