



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

[REDACTED]
Docket No. 10390-24
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) Official Military Personnel File (OMPF)
(c) Department of Veterans Affairs (VA) 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 placed on the Permanent Disability Retired List (PDRL).

2. The Board, consisting of [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 30 January 2025 and, pursuant to its regulations, determined 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 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. 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 the Physical Evaluation Board (PEB) found Petitioner to be unfit due to Chronic Migraine (Unstable), Diagnostic Code (DC) 8100, with a 50% rating. On 29 October 2012, Petitioner accepted the Informal PEB findings and requested the PEB finalize her case. On 29 December 2012, Petitioner was transferred to the Temporary Disability Retired List (TDRL).

c. According to Petitioner's PEB record, without a Periodic Physical Examination (PPE) on record, she was administratively removed from the TDRL on 8 March 2018.

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d. Petitioner contends she was unaware she was missing the required PPEs because she believed her VA medical disability appointments also fulfilled the PPE requirement while on the TDRL. 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 shows that, during the TDRL period, trials of multiple preventative and abortive migraine treatments were ineffective. Petitioner continued to suffer from severe and frequent breakthrough symptoms, which is consistent with a 50% rating under DC 8100. Based on these findings, Petitioner's condition is considered stable.

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 50%, and that she was unable to perform the duties of her office, grade, rank, or rating, effective 8 March 2018. Accordingly, the Board determined Petitioner's reference (c) medical documents are deemed sufficient and, consistent with the requirements of reference (d), should result in placement on the PDRL as follows:

CHRONIC MIGRAINE (Stable), DC 8100, rated at 50%.

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 8 March 2018, for the following condition:

CHRONIC MIGRAINE (Stable), DC 8100, rated at 50%¹.

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.

¹ 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 104(b)(3).

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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.

2/27/2025

