



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

[REDACTED]
Docket No. 11902-24
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) Official Military Personnel File (OMPF)
(c) Armed Forces Health Longitudinal Technology Application (AHLTA) 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 return to the Temporary Disability Retired List (TDRL) and/or transition to the Permanent Disability Retired List (PDRL).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 6 February 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 Petitioner, a belted passenger in a vehicle driven by his wife, was involved in a head-on motor vehicle accident on 11 December 2004 while stationed in [REDACTED], [REDACTED]. A Physical Evaluation Board (PEB) convened on 16 June 2006 and found Petitioner to be unfit due to Post-Traumatic Left Upper Extremity Complex Regional Pain Syndrome Recalcitrant to Medical Management (Unstable), Diagnostic Code (DC) 8599-8514, with a 30% rating. On 25 July 2006, Petitioner was transferred to the TDRL.

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c. According to Petitioner's PEB record, he was administratively removed from the TDRL on 8 May 2013.

d. Petitioner contends he was not properly notified of pending changes to his TDRL status which caused the loss of crucial benefits in the middle of his son's mental health scare. He further explained he was determined to be "permanently and totally" disabled by the Department of Veterans Affairs "for a long time now" and, after many examinations between 2006 and 2024, his condition had worsened. 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 the AHLTA medical records shows Petitioner's condition has remained materially unchanged throughout the TDRL period. Therefore, Petitioner's Post-Traumatic Left Upper Extremity Complex Regional Pain Syndrome Recalcitrant to Medical Management is of a permanent nature and stable for ratings purposes. Petitioner remains unable to perform the duties of his office, grade, rank, or rating due to the condition.

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 conditions are of a permanent nature and stable, for ratings purposes, at 30%. 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:

POST-TRAUMATIC LEFT UPPER EXTREMITY COMPLEX REGIONAL
PAIN SYNDROME RECALCITRANT TO MEDICAL MANAGEMENT
(Stable) DC 8599-8514, rated at 30%. Not Combat Related (NCR), Not
Incurred In a Combat Zone (NCZ).

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 May 2013, for the following conditions:

POST-TRAUMATIC LEFT UPPER EXTREMITY COMPLEX REGIONAL
PAIN SYNDROME RECALCITRANT TO MEDICAL MANAGEMENT
(Stable) DC 8599-8514, rated at 30%. NCR, NCZ.

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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.

3/3/2025

