



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

[REDACTED]  
Docket No. 11957-24  
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  
(2) Council of Review Board's Opinion, 16 Dec 24

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 20 February 2025 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 14 March 2016. On 18 April 2019, the Physical Evaluation Board (PEB) found Petitioner Unfit due to Headaches (Unstable), Department of Veterans Affairs (VA) Code 8100 at a 50% rating. On 28 July 2019, Petitioner transferred to the Temporary Disability Retired List (TDRL). On 7 December 2022, Petitioner was administratively removed from TDRL because there was no record of Petitioner undergoing a periodic physical examination (PPE).

c. Petitioner requests placement on the PDRL and contends his removal was improper as he received regular and ongoing appointments and treatment for his condition.

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d. Per reference (c), 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. The Council of Review Boards reviewed the case, noted Petitioner had VA clinical records during the TDRL time period (2019-2021) and that the severity of the condition approximated the criteria for a continued rating of 50%; as he had "very frequent completely prostrating and prolonged attacks productive of severe economic inadaptability." CORB recommended Petitioner to be placed on PDRL at a rating of 50%; not combat related and not incurred in a combat zone. See enclosure (2).

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting partial relief. Specifically, the Board found Petitioner may not have received notification of a periodic physical examination based on lack of documentation in Petitioner's PEB case file. Therefore, the Board concurred with CORB that Petitioner warrants placement on the PDRL based on his VA treatment records between 2019 and 2021.

## RECOMMENDATION

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

Petitioner be placed on the Permanent Disability Retired List, effective the date of his removal from the TDRL, for the following condition:

1. Headaches, VA Diagnostic Code 8100, rated at 50%, not combat related (NCR), not incurred in a combat zone (NCZ).

Note: Navy Personnel Command will correct any other entries affected by the Board's recommendation.

The Defense Finance and Accounting Service will complete an audit of Petitioner's pay records to determine Petitioner's pay entitlements.

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)),

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and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

3/13/2025

