



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

[REDACTED]
Docket No. 1103-25
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) Official Military Personnel File (OMPF)

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 an increase from 30% to 50% in his combined disability rating.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 31 March 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.

b. A review of reference (b), Petitioner's OMPF, reveals Petitioner was found unfit by a Physical Evaluation Board (PEB) on 17 January 2024. One of the unfitting conditions, Degenerative Disc Disease with Degenerative Arthritis, Intervertebral Disc Syndrome and Lumbosacral Stain (Stable), Diagnostic Code 5242, was assigned a 20% disability rating. On 30 April 2024, Petitioner was placed on the Permanent Disability Retired List (PDRL).

c. On 15 May 2024, the Department of Veterans Affairs (VA) rated Petitioner's Degenerative Disc Disease with Degenerative Arthritis, Intervertebral Disc Syndrome and Lumbosacral Stain at 40%; effective 30 April 2024.

d. Petitioner contends his disability rating for his back should be increased from 20% to 40% due to the upward revision from the VA made without a request from him but based on documents in his record prior to his release from active duty. Based on the increase in his back

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XXX-XX [REDACTED]

rating, Petitioner further contends his combined disability rating should be increased to 50%.
See enclosure (1).

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 the VA decision document and specifically noting the close proximity in time of his discharge and the disability rating increase by the VA, the Board determined Petitioner's disability rating for his unfitting back condition should be increased from 20% to 40%; resulting in his combined disability rating increasing from 30% to 50%

RECOMMENDATION

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

That Petitioner's unfitting condition for Degenerative Disc Disease with Degenerative Arthritis, Intervertebral Disc Syndrome and Lumbosacral Strain, be corrected to reflect a rating of 40%, resulting in an increase of the combined disability rating to 50%, effective the date Petitioner was placed on the PDRL.

Note: The Defense Finance and Accounting Service shall audit Petitioner's pay account to determine amounts due, if any.

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.

4/17/2025

