



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

██████████
Docket No. 3715-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████
XXX XX ██████████ USMC

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

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 reinstatement to the Temporary Disability Retired List (TDRL) to be evaluated for medical retirement.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 24 April 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 was found unfit by a Physical Evaluation Board (PEB) due to INTERMITTENT BACK PAIN (Unstable), Diagnostic Code (DC) 5242, with a 40% rating. On 1 April 2011, Petitioner was placed on the TDRL.

c. According to his PEB record, Petitioner underwent a Periodic Physical Examination, on 31 October 2012, which resulted in his rating decreasing to 20%. He requested a formal PEB and, in March 2013, the formal PEB reinstituted the 40% rating and retained Petitioner on the TDRL.

d. On 15 May 2024, Petitioner was administratively removed from the TDRL.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]
XXX XX [REDACTED] USMC

e. Petitioner explains that because he was “not able to fulfill the requirements to be reevaluated due to [his] mental health condition,” his withdrawal from society resulted in his eventual administrative removal from the TDRL. He is now “ready to proceed with life and continue to work on rejoining the community.” See enclosure (1).

f. In connection with reviewing Petitioner’s request, the Board facilitated a Secretary of the Navy Council of Review Boards (CORB) review of reference (c) in order to discern the status of the conditions for which Petitioner was placed on the TDRL. The review concluded the most proximal clinical and rating information, approximately 2014 to 2016, indicates Petitioner continued care by pain management but includes little direction documentation. The Department of Veterans Affairs also applied and continued a 40% rating under DC 5242, effective 1 July 2021. Overall, the available evidence shows continued clinical findings and medical treatment of the condition that rendered him unfit. The review concluded that the March 2013 formal PEB’s 40% rating was the most proximal and informed rating available and should be applied with placement on the Permanent Disability Retired List (PDRL) as follows: INTERMITTENT BACK PAIN (Unstable), DC 5242, with a 40% rating. Not combat related (NCR), not incurred in a combat zone (NCZ).

CONCLUSION

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

Based on the CORB review of Petitioner’s reference (c) documents, the Board determined Petitioner should be placed on the PDRL as directed in the Board’s recommendation. As a consequence of this finding, the Board determined it was not in the interest of justice to reinstate Petitioner to the TDRL.

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 30 March 2016, for the following condition:

INTERMITTENT BACK PAIN (Unstable), DC 5242, with a 40% rating. NCR, NCZ.

The Defense Finance and Accounting Service shall audit Petitioner’s pay account to determined amounts due, if any.

That any material or entries inconsistent with or relating to the Board’s recommendation be corrected, removed, or completely expunged from Petitioner’s record, specifically within DEERS.

That a copy of this report of proceedings be filed in Petitioner’s naval record.

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

XXX XX [REDACTED] USMC

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.

5/7/2025

