



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

██████████
Docket No. 4860-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitation and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 11 June 2025. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

A review of your record shows that you enlisted in the Navy and commenced active duty on 31 July 2000. While you were in service, you were evaluated within the Disability Evaluation System (DES) and found to be unfit after review by an Informal Physical Evaluation Board (IPEB). Specifically, the IPEB found you unfit for continued naval service due to your right shoulder condition and found your carpal tunnel condition was not separately unfitting. Upon review by a Formal PEB (FPEB), your carpal tunnel conditions was also found to be an unfitting condition. Based on proposed Department of Veterans Affairs (VA) ratings in its role within the Integrated DES, you were assigned disability ratings of 10% and 20% for your Carpal Tunnel and Right Shoulder conditions, respectively. In assigning your proposed ratings, the VA assigned "Gulf War" incurred to your disability conditions based on your sea deployments in support of the aforementioned combat operations. After you accepted the FPEB findings, you were transferred to the Permanent Disability Retirement List on 27 November 2014.

You filed a prior petition with this Board in 2019 in which you argued the PEB failed to consider your other VA rated disabilities in making its findings. You also argued that the PEB erroneously concluded your unfitting conditions were not the result of a combat-related injury. The Board denied your requested relief by letter, dated 24 August 2020, explaining that it found insufficient evidence to conclude your VA rated disability conditions, other than your PEB determined unfitting conditions, were also unfitting for continued naval service. Regarding your request to change your right shoulder and carpal tunnel conditions to reflect a combat-related determination by the PEB, the Board concluded you failed to exhaust your administrative remedies. The Board also explained how you would be able to appeal the determination by the PEB that your unfitting condition did not result from a combat-related injury. Specifically, it provided to you the contact information to the appeal authority, which is the Judge Advocate General of the Navy (Code 13), [REDACTED] [REDACTED]

[REDACTED] The Board also explained that, in your appeal, you would be required to set forth the reasons that you disagreed with the determination of the PEB, and that, should your appeal to Code 13 be denied, you may reapply to this Board with evidence of your denial. Finally, the Board also found that the “issue of whether your other VA rated disability conditions should have been assigned PEB combat-related injury status was moot based on their conclusion that those conditions were not separately unfitting.”

In your petition before this Board, you request that your post-traumatic stress disorder (PTSD) be added as “my combat disability.” In support of your request, you aver that you developed this condition while part of Operation [REDACTED] from 1 July 2001 to 1 January 2002 and during Operation [REDACTED] from February 2003 to November 2003. In further support of your request, you provided a VA finding letter; which awarded you a service connected disability for PTSD effective 17 August 2020.

The Board carefully reviewed your petition and the material that you provided in support of your petition, and disagreed with your rationale for relief. At the outset, the Board found your requested relief to be ambiguous and thus it addressed its interpretation of your requested relief as follows:

First, the Board observed that PTSD was not found to be an unfitting condition at the time you were evaluated by the PEB within the DES. Thus, the Board was unable to evaluate whether such condition could be considered incurred in a combat zone (CZ) or was combat related (CR) in the context of the DES findings. In other words, the DES did not find you to have an unfitting condition based on PTSD, and, therefore, this Board could not find a condition not listed as an unfitting condition to be CZ or CR.

Second, to the extent you are seeking combat related special compensation (CRSC) for the PTSD condition, the Board observed that you had not exhausted your administrative remedy by first filing a claim with the CRSC Board. The CRSC Board may be contacted as follows:

Department of the Navy, Secretary of the Navy Council of Review Boards, Attn: Combat-Related Special Compensation Board, [REDACTED]

[REDACTED]. You can also submit claims via email to [REDACTED]. Should your request for CRSC be denied by the CRSC Board, you may reapply to this Board with evidence of the denial.

Finally, to the extent that your current petition was a request for reconsideration of your prior petition, you did not provide evidence that you exhausted your administrative remedy by first appealing the denial of combat related determination to Code 13, as set forth in this Board's 24 August 2020 letter denying your prior petition. The Board otherwise found there to be insufficient new matter to overcome this Board's prior decision.

Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

7/1/2025

