



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

[REDACTED]
Docket No. 5734-25
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USN,
[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) Official Military Personnel File (OMPF)
(c) Interval Department of Veterans' Affairs Medical Records
(d) 39 CFR § 4.104
(e) 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 placement on the Permanent Disability Retired List (PDRL).

2. The Board, consisting of [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 June 2025, and pursuant to its regulations, determined the correction 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), reveals Petitioner was found unfit by a Physical Evaluation Board (PEB) due to MALIGNANT B-CELL LYMPHOMA, ANTERIOR MEDIASTINUM, Diagnostic Code (DC) 7715, with a 30% rating, not combat related (NCR), not incurred in a combat zone (NCZ). On 7 December 1998, Petitioner was placed on the Temporary Disability Retired List (TDRL).

c. According to his PEB record, Petitioner was administratively removed from the TDRL on 13 September 2005.

d. Petitioner contends that when he was placed on the TDRL, he was told that after five years he would be automatically moved from the TDRL to the PDRL. See enclosure (1).

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[REDACTED]

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 medical records indicates Petitioner was administratively removed from the TDRL in error because he had not received a final disposition through TDRL re-evaluation within the maximum five-year period. Further, under his DC 7715, a 100% rating continues during active treatment with subsequent evaluation based on residuals six months post-treatment. A review of his record indicates Petitioner attained remission following chemotherapy and radiation but developed significant residual cardiovascular impairment attributable to treatment toxicity. The record further establishes that Petitioner suffered cardiomyopathy and myocardial infarction secondary to chemoradiation in proximity to the TDRL period conclusion. The relevant cardiac DCs – DC 7005, DC 7006, and DC 7020 – share a common rating schedule under reference (d) which directs a 100% rating. Given the medical evidence, the review concluded the residual cardiac condition, considered stable and permanent, continued to make Petitioner unable to perform the duties of his office, grade, rank, or rating. The review concluded placement on the PDRL is warranted as follows: MALIGNANT B-CELL LYMPHOMA, ANTERIOR MEDIASTINUM RESIDUAL: CARDIOMYOPATHY, STATUS POST MYOCARDIAL INFARCTION (stable and permanent), DC 7715-7005, rated at 100%. 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 relief.

Based on the erroneous removal of Petitioner from the TDRL without a final disposition and the review of Petitioner's reference (c) documents, the Board determined Petitioner's rating by the VA for Petitioner's myocardial infarction as a complication of the lymphoma treatment is considered sufficient, consistent with reference (e) requirements, and should be applied with placement on the PDRL as directed in the Board's recommendation.

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 7 December 2003, for the following condition:

MALIGNANT B-CELL LYMPHOMA, ANTERIOR MEDIASTINUM RESIDUAL:
CARDIOMYOPATHY, STATUS POST MYOCARDIAL INFARCTION, DC 7715-
7005, rated at 100%. NCR, NCZ.

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

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[REDACTED]

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.

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.

6/16/2025

