



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

Docket No. 6056-25
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) Official Military Personnel File
(c) Petitioner's Physical Evaluation Board file

Encl: (1) DD Form 149 w/attachments
(2) Department of the Navy Physical Evaluation Board, [REDACTED]
[REDACTED]
(3) Director, Department of the Navy Council of Review Boards, [REDACTED]
[REDACTED]

1. Pursuant to the provisions of the reference, 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Records (Board), requesting that his naval record be corrected to reflect (1) that his honorable discharge in 2021 was "Rescinded;" (2) that his condition of diabetes mellitus occurred while he was on active duty, rendering him unfit for continued military service thus granting him a medical retirement with placement on the Permanent Disability Retired List (PDRL) consistent with his Department of Veterans Affairs (the VA) disability percentages for left shoulder pain status post-surgical labral repair (stable) (20%) and diabetes mellitus requiring insulin (20%); or (3) have this matter remanded to the Disability Evaluation System (DES) for a new Physical Evaluation Board.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 13 May 2026 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 references, enclosures, relevant portions of naval records, and applicable statutes, regulations and policies, to include the enclosure (2) advisory opinion (AO) prepared by the Department of the Navy Physical Evaluation Board (PEB) and the enclosure (3) endorsement of the AO by the Director, Department of the Navy Council of Review Boards (CORB). Enclosures (2) and (3) were favorable to Petitioner.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found 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.

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b. 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.

c. A review of Petitioner's reference (b) Official Military Personnel File (OMPF) reveals Petitioner enlisted in the Navy and commenced active duty on 5 April 2016. While he was in service, Petitioner was referred to the PEB for evaluation of potentially unfitting conditions. According to Petitioner's reference (c), on 27 October 2020, a Formal PEB found Petitioner unfit due to Left Shoulder Pain Status Post Surgical Labral Repair (Stable), VASRD 5003-5201 with a disability rating of 20%. In accordance with the finding by the PEB that Petitioner was unfit with a less than 30% disability rating, he was discharged with severance and assigned an Honorable characterization of service on 26 February 2021.

d. In order to assist it in reviewing Petitioner's application, the Board obtained the enclosure (2), which was considered favorable to Petitioner's request. The PEB AO concluded as follows, with edited formatting:

In summary, the record clearly indicates that the Petitioner was diagnosed with Type I Diabetes Mellitus, a condition that requires injections of insulin, prior to his separation. This condition would have been unfitting given the Petitioner's rate and would have most likely resulted in a disability rating of 20% under VA code 7913, as awarded by the VA in their decisional document, had these facts been known to the PEB. Combined with his previous rating for his left shoulder, this would have resulted in the Petitioner receiving a combined disability rating of 40% and being placed on the Permanent Disability Retired List. Furthermore, the Board finds no evidence that diabetes screening was indicated for the Petitioner, given his age and known risk factors, prior to his development of clear symptoms in December 2020. The Petitioner received appropriate treatment; his referral paperwork back into the DES was completed by his physician in accordance with administrative requirements and with sufficient lead time that it would have forestalled the Petitioner's separation had the DES referral form been received in a timely fashion.

e. The PEB AO was reviewed by the Director, CORB, who prepared the enclosure (3), in which he stated:

The preponderance of the evidence establishes the Petitioner was appropriately diagnosed and treated for Type I diabetes mellitus prior to his separation. While his medical providers completed the necessary Integrated Disability Evaluation System (IDES) referral in a timely manner, an administrative delay prevented the Physical Evaluation Board (PEB) from adjudicating this condition. Had the PEB reviewed the Type I diabetes condition, it would have been deemed unfitting and rated at 20% under VASRD Code 7913. When combined with the Petitioner's previously established 20% rating for his left shoulder, his final combined disability rating is 40%, warranting placement on the Permanent Disability Retired List.

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CONCLUSION:

In its review of the entirety of the available documentation, the Board determined that there was an error in Petitioner's naval record that warrants relief.

In reaching its decision, the Board substantially concurred with the findings and opinion of the PEB AO as endorsed by the Director, CORB. The Board found the AO and its endorsement to be rational and based on substantial evidence. In determining the appropriate relief, the Board observed that the AO, as endorsed and restated by the Director, CORB, also set forth a rational opinion on the appropriate disability rating for Petitioner's Diabetes condition and the Board thus determined that was the appropriate relief for Petitioner, as set forth in the following recommendation.

With respect to Petitioner's request to have his Honorable discharge "Rescinded," the Board determined that this was an imprecise request for relief. The Board presumed that Petitioner intended to seek that his separation with severance be corrected to reflect that he was placed on the PDRL while maintaining his Honorable characterization of service. Therefore, the Board took no action on this aspect of Petitioner's application.

RECOMMENDATION:

In view of the above, the Board directs the following corrective action.

That Petitioner be placed on the PDRL effective the date that he was discharged from active duty (26 February 2021) for the following conditions:

a. LEFT SHOULDER PAIN STATUS POST SURGICAL LABRAL REPAIR (STABLE)
5003-5201 20%

b. TYPE I DIABETES MELLITUS 7913 20%

This results in a combined rating of 40%.

That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) reflecting Narrative Reason and Authority for Separation: Disability, Permanent (NCR/NCZ); Separation Program Designator: as appropriate; Reentry Code: RE-3P.

The DFAS shall audit the Petitioner's pay account for payment of back pay to the date of Petitioner's placement on the PDRL and any lawful monies owed.

That a copy of this decision be placed in Petitioner's OMPF.

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

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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.

6/4/2026

