



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 8785-25

Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) Official Military Personnel File (OMPF)
(c) Interval Department of Veterans' Affairs Medical Records
(d) 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], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 19 November 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 VIRAL ENCEPHALITIS (unstable), Diagnostic Code (DC) 8910, with a 40% rating, not combat related (NCR), not incurred in a combat zone (NCZ). On or about 28 March 2017, Petitioner was released from active duty and transferred to the Temporary Disability Retired List (TDRL).

c. According to the PEB record, Petitioner was administratively removed from the TDRL in the August 2021 timeframe.

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

d. Petitioner contends he was improperly removed from the TDRL because his case was terminated despite no communication between himself and his case manager during his three-year TDRL period. He further explains he is still receiving "extreme care for reason of medical discharge." See enclosure (1).

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 had no record of an interim periodic examination or final TDRL adjudication. When a TDRL evaluation is missing, the PEB must obtain and review Department of Defense medical treatment documentation and VA or veteran-provided medical treatment to determine if the documents are deemed sufficient and consistent with the requirements of reference (d). The VA's evaluation of Petitioner in June 2021 and increase of his rating to 100% for VIRAL ENCEPHALITIS is deemed sufficient and consistent with reference (d). The review concluded retroactive placement on the PDRL was warranted as follows: VIRAL ENCEPHALITIS (stable), DC 8910, rated at 100%, NCR, 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 procedurally deficient removal of Petitioner from the TDRL without a final disposition and the review of Petitioner's reference (c) documents, the Board determined Petitioner should be retroactively placed on the PDRL three years from the date of his placement on 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 three years after placement on the TDRL, for the following condition:

VIRAL ENCEPHALITIS (stable), DC 8910, rated at 100%, NCR, NCZ.

The Defense Finance and Accounting Service shall audit Petitioner's pay account to determine 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],
USN, XXX-XX-[REDACTED]

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.

12/4/2025

