



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No. 09101-10
26 August 2010

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

Subj: [REDACTED]
[REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record
(3) PDASN (M&RA) Memo for Ex Dir, BCNR, 12 Aug 10

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he was permanently retired by reason of physical disability with a rating of 50% or higher.

2. The Board, consisting of Mses. [REDACTED] and [REDACTED] and Mr. [REDACTED], reviewed enclosures (1) and (2) as directed in enclosure (3), and determined that the action indicated below should be taken.

3. On 17 August 2010, as directed in enclosure (3), the Board directed that Petitioner's name be placed on the Temporary Disability Retired list for a period of six months.

4. Petitioner did not submit any evidence in support of his application or consent to the release of his Department of Veterans Affairs (VA) records to the Board.

CONCLUSION:

As Petitioner did not submit any material evidence in support of his application, and has not demonstrated that his condition was ratable above 10% disabling in accordance with the provisions of 38 Code of Federal Regulations part 4.130, there is no basis for assigning him a final disability rating in excess of 10% upon the expiration of six months from the effective date of his transfer to the Temporary Disability Retired List. Accordingly, the Board recommends that his

record be corrected to show that he was discharged by reason of physical disability effective 5 January 2005.

RECOMMENDATION:


a. That Petitioner's naval record be corrected to show that on 5 January 2005, he was discharged by reason of physical disability in accordance with the provisions of 10 U.S.C. 1203, with a disability rating of 10% for posttraumatic stress disorder.

b. That no further relief be granted.


c. 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.

ROBERT D. ZSALMAN
Recorder


JAMES R. EXNICIOS
Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.


W. DEAN PFEIFFER

Approved.

 10/1/10

ROBERT L. WOODS
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