



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

JRE
Docket No. 10139-10
1 October 2010

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552
(b) DUSD (P&R) Memorandum for the Service Secretaries,
17 Jul 09

Encl: (1) DD Form 149

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, requests correction of his record as indicated in enclosure (1).

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 23 September 2010 and, pursuant to its regulations, determined that the action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

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

a. Enclosure (1) was filed in a timely manner, or it is in the interest of justice to excuse Petitioner's failure to file enclosure (1) in a timely manner.

b. Petitioner's case is within the category of cases covered by reference (b).

CONCLUSION:

Upon review and consideration of all the evidence of record, and in accordance with the provisions of reference (b), the Board directs the corrective action indicated below.

As Petitioner's case has not been finalized by the Naval Disability Evaluation System (DES), his request for a final

rating of 50% for posttraumatic stress disorder is premature and was not considered by the Board. He may reapply to the Board after he has exhausted his administrative remedies within the DES.


RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was assigned a disability rating of 50% for posttraumatic stress disorder when his name was placed on the Temporary Disability Retired List effective 31 January 2005, vice the rating of 30% he actually received on that date, provided that such action does not adversely affect his total compensation, including but not limited to combat-related special compensation.

b. That a copy of these proceedings be filed in his naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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. ENICIOS
Acting Recorder

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 Regulations, 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.



W. DEAN PFEIFFER