



NVLSP

NATIONAL VETERANS LEGAL SERVICES PROGRAM

Updated Springs Correction Board
Frequently Asked Questions

January 2025

Disclaimer

This self-help guide provides general information only. It does not constitute legal advice. It also cannot substitute for advice from an attorney who knows the particulars of your case. Use the information in this guide at your own risk. We have made every effort to provide reliable, up-to-date information, but we do not guarantee its accuracy. The information in this guide is current as of January 2025.

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Springs Correction Board **Frequently Asked Questions**

What happened in *Springs v. Del Toro*?

For background on Category II conditions and the *Springs v. Del Toro* class action, please consult NVLSP's prior guide, *Springs v. Del Toro and Category II Contributing Conditions — Frequently Asked Questions*, dated April 2024 at the following link: https://www.nvlsp.org/images/uploads/4-2024_Springs_FAQs.pdf

What is happening now for members of the *Springs* class?

The Navy is automatically reviewing the PEB findings of the members of the *Springs* class and applying disability ratings to their Category II conditions. The Navy will send a letter to the class member advising them that their case has been reviewed pursuant to *Springs v. Del Toro* and that the Navy has determined either:

1. **They are entitled to relief:** The addition of ratings to their Category II conditions resulted in a change to their discharge status (i.e. from medical separation to medical retirement) and they have 60 days to opt-out of the relief.
OR
2. **They are not entitled to relief:** The Navy has determined that no relief is warranted, and no further action is required. Class members who disagree with this determination must seek relief with the Board for Correction of Naval Records.

I received my *Springs* notice and it says I am entitled to relief. What will happen now?

If you do not opt out of the relief within 60 days, your discharge records will be corrected to reflect that you were medically retired on the date of your original separation. You will become entitled to all applicable benefits of a medical retirement—lifetime monthly disability retired pay (unless offset by your VA disability compensation); lifetime military healthcare for you, your spouse, and minor children; access to military commissaries and post exchanges; and other retirement benefits. You will be issued corrected discharge paperwork, and will need to [contact or visit a military personnel office](#) to (1) fill out and submit DD Form 2656 to the Defense Finance Accounting Service (DFAS); (2) update the Defense Enrollment Eligibility Reporting System (DEERS); and (3) obtain a retired ID card.

If you are medically retired and the Navy finds that an unfitting condition is also combat-related, that may enable you to [apply for Combat-Related Special Compensation \(CRSC\)](#) for that condition. CRSC provides an additional tax-free payment to retired veterans with combat-related disabilities. To apply for legal assistance at no cost to veterans with a CRSC claim through NVLSP's Pro Bono Program Lawyers Serving Warriors®, visit our website at <https://www.nvlsp.org/what-we-do/lawyers-serving-warriors/>.

IMPORTANT: SURVIVOR BENEFIT PLAN ELECTION

When you submit DD Form 2656 to DFAS, you will be asked on the form to either elect or waive the Survivor Benefit Plan (SBP). If you elect SBP, **you will immediately owe premiums dating back to your date of discharge**. This can amount to thousands or tens of thousands of dollars, so we highly recommend you waive SBP unless you are prepared to pay those premiums.

How do I know if I should opt out of medical retirement?

There are two major considerations that may lead a *Springs* class member to opt out of medical retirement:

1. **Recoupment of Disability Severance Pay:** If you received a disability severance payment that has not been fully recouped by the VA or that was not recoupable by the VA, you will need to pay the unrecouped portion back to the government in order to receive a medical retirement. The amount owed can be offset by CRSC if you are eligible.
2. **Loss of Eligibility for CHAMPVA:** Once you are medically retired and become eligible for Tricare health coverage, you will lose eligibility for [CHAMPVA health care benefits](#). Some class members may elect to opt out of relief in order to avoid having their disability severance payment recouped or losing access to CHAMPVA health coverage. Tricare may be more generous than CHAMPVA.

I received my *Springs* notice and it says **I am not entitled to relief**. What are my options?

The Navy is automatically applying the VA disability ratings that were in effect at the time of your discharge to any conditions that were formerly categorized by the Physical Evaluation Board (PEB) as “Category II.” Review your *Springs* Correction Board Findings, paying special attention to the conditions whose “**PEB Original Category**” is “**Category II**” and look at what the Board determined in the “***Springs* Disability**” column.

***Springs* Disability: 0%** — If the conditions that were previously unrated as Category II conditions are now rated as 0%, then you are **unlikely to get any further relief** unless the *Springs* Correction Board erred in finding that the condition was rated 0% disabling by the VA at the time of discharge. If the Board erred in finding that the condition was rated 0% at discharge, you may apply for NVLSP’s assistance at <https://www.nvlsp.org/what-we-do/lawyers-serving-warriors/>.

***Springs* Disability: N/A** — If the conditions that were previously unrated as Category II conditions are now rated as “N/A,” this likely means that the VA rated this condition in combination with another condition that was already rated by the original PEB. Check the “**Condition**” column for a notation such as “(VA combined with Diagnosis 1).” If the *Springs* Correction Board is correct that the VA rated this condition in combination with an already-rated Category I condition, then you are unlikely to get any further relief unless the *Springs* Correction Board erred in finding that the condition was combined with an already-rated condition. If you have separate ratings for the conditions in question at discharge, you may apply for NVLSP’s assistance at <https://www.nvlsp.org/what-we-do/lawyers-serving-warriors/>.

***Springs* Disability: Other** — If the conditions that were previously unrated as Category II conditions are now rated above 0%, but the *Springs* Correction Board found that you are not entitled to relief, it is likely because the total combined rating does not equal 30% or higher, which is required to qualify for medical retirement. If you believe the Board calculated your combined rating incorrectly or made some other error, you may apply for NVLSP’s assistance at <https://www.nvlsp.org/what-we-do/lawyers-serving-warriors/>.

Do I need to hire a lawyer?

You do not have to hire or find your own lawyer, but you have the right to retain independent counsel if you wish. You may reach out to NVLSP at lsw.classaction@nvlsp.org with any questions.

To apply for legal assistance at no cost to veterans with an application to the Board for Correction of Naval Records through NVLSP’s Pro Bono Program Lawyers Serving Warriors®, visit our website at <https://www.nvlsp.org/what-we-do/lawyers-serving-warriors/>.

About the National Veterans Legal Services Program (NVLSP)

The National Veterans Legal Services Program (NVLSP) is an independent, nonprofit veterans service organization that has served active duty military personnel and veterans since 1981. NVLSP strives to ensure that our nation honors its commitment to its 18 million veterans and active duty personnel by ensuring they have the benefits they have earned through their service to our country. NVLSP has represented veterans in lawsuits that compelled enforcement of the law where the VA or other military services denied benefits to veterans in violation of the law. NVLSP's success in these lawsuits has resulted in more than \$5.6 billion dollars being awarded in disability, death and medical benefits to hundreds of thousands of veterans and their survivors. NVLSP offers training for attorneys and other advocates; connects veterans and active duty personnel with pro bono legal help when seeking disability benefits; publishes the nation's definitive guide on veteran benefits; and represents and litigates for veterans and their families before the VA, military discharge review agencies and federal courts. For more information go to www.nvlsp.org.