

# ARMY Integrated Disability Evaluation System (IDES)

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# What You Need to Know About the Integrated Disability Evaluation System

Despite the advances in modern medicine and the best efforts of patients, some Soldiers cannot be returned to a full-duty status. In this event it will be necessary for the Soldier to be referred to the Integrated Disability Evaluation System (IDES).

The IDES process begins whenever your medical providers determine your ability to continue military service is questionable due to a physical or mental impairment.

## Department of the Army's IDES

The Secretary of the Army is charged with assuring the fitness of Soldiers, and separating or retiring those who become unfit to continue military service because of physical disability.

- The law provides benefits for eligible Soldiers whose military service is cut short due to a service-related disability incurred in the line of duty.
- The IDES is used to determine the fitness and applicable disability benefits of Soldiers with duty-related impairments.

For Soldiers referred under the duty-related process, the IDES is comprised of the Medical Evaluation Board (MEB) and the Physical Evaluation Board (PEB). [Flip to "RC Soldiers" for information on the Reserve Component (RC) non-duty-related process.]

The Army's first priority for Soldiers suffering from an illness or injury is to ensure delivery of the highest quality and proper medical attention. If the medical conditions improve to the point that Soldiers are able to return to full military duty, they are returned to their units.

## The IDES

The Department of Defense (DoD) and Department of Veterans Affairs (VA) have started a new joint disability system, known as the IDES. The IDES combines the DoD and VA disability processes and uses a streamlined evaluation for delivery of a total benefits and compensation package. The IDES process is not currently used for Temporary Disability Retirement List (TDRL) reevaluations.

While in the IDES, you will interact with various individuals with obvious duties and responsibilities. This guide offers you a broad overview of everyone's roles throughout the IDES process.

This QuickSeries® guide is intended to help you and your family navigate the joint DoD/VA Integrated Disability Evaluation System. Its primary purpose is to ensure that you understand the basic components of the IDES and where to go to for help.

## Where can you find more information on the IDES and how it

## will affect you?

This guide contains a quick overview of the IDES process and much of the information you will need to know. Even so, it is very important that you be actively engaged in every step and seek out the experts who are available to help you. And remember, your military chain of command is always your best resource if you feel that you are not getting the information you need. Do not hesitate to ask questions. Also, there are specially trained Army attorneys available to counsel and advocate on your behalf during this process at no cost to you.

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## The IDES Process

Following is a general rundown of the different steps in the IDES process. More details on individual portions of the process are provided later in this guide.

- After arriving at the medical treatment facility (MTF), the process starts when your medical care provider determines that your condition warrants referral into the IDES.
- The MTF will assign a Physical Evaluation Board Liaison Officer (PEBLO) to develop the Medical Evaluation Board (MEB) case file for the MEB phase of the IDES.
- Your PEBLO will complete Part I of VA Claim Form 21-0819, VA/DoD Joint Disability Evaluation Board Claim, which lists the potentially military unfitting medical conditions. Your PEBLO will counsel you on the process and identify others who can help. You will then be referred to a VA representative known as a Military Service Coordinator (MSC).

Decisions you make throughout the IDES process will have an effect on you and your family's future. If you are the spouse, parent, sibling or guardian of a Soldier who is incapable of making decisions at this time, you must know this information to get the help you need to support your Soldier as he/she begins his/her recovery.

- The MSC will counsel you on the VA portion of the IDES process and help you to complete your claim for consideration of medical conditions (other than those referred by the military physician) that may have been incurred or aggravated during service (VA Form 21-0819, Parts II-IV). The MSC and PEBLO will request all necessary specialty and physical examinations.
- A combination of military, VA or civilian medical providers will perform the exams. The tests and results will be summarized in a Narrative Summary (NARSUM). The DoD MTF is responsible to produce the NARSUM. Your PEBLO will make sure all the necessary information is added to your case file.
- The MTF MEB Convening Authority will bring together a board of medical officers who will decide whether or not to refer your case to the PEB.
  - If yes, your PEBLO will forward your completed MEB case file to the PEB.
  - If not, you will be returned to duty. If returned to duty with a P3 or P4 profile, you must undergo an administrative review on whether you are worldwide deployable under field conditions for your medical condition. This review includes consideration of Military Occupational Specialty (MOS) reclassification.
- The PEB will convene an Informal PEB (IPEB) to initially adjudicate your case. The IPEB will review all medical and non-medical evidence contained in your case file.
  - If the IPEB determines that you are fit, they will issue findings that will be forwarded to your PEBLO.

- If you are found unfit, each of your unfitting medical impairments will be identified and your case file will be sent to the designated VA DES Rating Activity Site (D-RAS).
- The VA D-RAS, using the VA Schedule for Rating Disabilities (VASRD), will assign a disability rating to each of the referred and claimed medical conditions that they determine were incurred or aggravated during a period of qualified service. They will report the results in their Rating Decision.
- The Rating Decision will be included in your case file and returned to the PEB.
- The PEB will then issue findings that identify each unfitting condition and include information on those medical impairments rated by the VA D-RAS.
- The PEB determines whether or not you will be retired or separated as a result of your conditions. These findings and the VA Rating Decision will be sent to your PEBLO. Your PEBLO will deliver the findings to you within three working days of receipt and counsel you on your options.
- You can either concur with the IPEB findings, nonconcur and submit an appeal, or demand a Formal PEB (FPEB). You must make your decision within 10 calendar days.
- If you are found unfit by the IPEB, you have a legal right to demand an FPEB. At the formal hearing, you can challenge any PEB findings, but cannot challenge the VA Rating Decision for your conditions. However, you can challenge the VA's ratings for any unfitting condition by requesting reconsideration of the VA Rating Decision. The PEB will forward your request to the VA D-RAS.
  - If you are found fit by the PEB, you may either accept the initial IPEB findings or request the PEB President grant an FPEB. If you are found fit, you do not have a legal right to an FPEB.
  - Again, Army attorneys are available to assist you and advocate on your behalf.
- The PEB will, depending on your decision, either process your case for an FPEB or forward your case to the United States Army Physical Disability Agency (USAPDA) for review and approval. If your case is approved and you have been found unfit, USAPDA will issue instructions that will result in your retirement or separation.
- If you choose to have an FPEB, you will be notified of the hearing date (usually within 15 days of them receiving your decision) and informed of your right to legal counsel. Once FPEB proceedings are completed, the PEB President will issue findings, normally on the hearing date.
- Your attorney and/or PEBLO will receive and counsel you on the findings. If you are not satisfied with the findings, you can appeal the decision.

Timeliness: The IDES aims to complete the DES process – from your referral to the Medical Evaluation Board (MEB) to your Physical Evaluation Board (PEB) and transition back into civilian life – within 295 days for active-duty Soldiers and 305 days for Reservists.

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## **Arrival at the Medical Treatment Facility (Wounded/Ill/Injured)**

Upon your arrival at the medical treatment facility (MTF), your medical care provider will ensure that you get the necessary care.

Your MTF medical care provider will determine whether or not you can return to duty.

If not, your medical care provider will refer you to a Medical Evaluation Board (MEB) – the first step of

the IDES. They will direct you to MTF Patient Administration, where you will meet your Physical Evaluation Board Liaison Officer (PEBLO) and administratively enter you into the IDES.

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## The Physical Evaluation Board Liaison Officer

The Physical Evaluation Board Liaison Officer (PEBLO) is one of your most important representatives throughout the IDES process.

### What is the PEBLO's role?

From the start of your Medical Evaluation Board (MEB) referral to your return to duty or separation from military service, your PEBLO remains the link between you, your commander, and the IDES.

Within three days of your referral, a PEBLO will counsel you in detail regarding the IDES process.

Your PEBLO is responsible for assembling all the information that is included in your IDES case file. This includes helping you initiate VA Form 21-0819, VA/DoD Joint Disability Evaluation Board Claim, and sending it to the Military Service Coordinator (MSC).

The PEBLO will also obtain other required documents, including a non-medical assessment from your commanding officer, a line of duty investigation (if required), and mobilization orders for Reserve Component (RC) members.

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## The Military Service Coordinator

The Military Service Coordinator (MSC) is a very important representative throughout the IDES. An MSC is assigned to your case immediately following assignment of the Physical Evaluation Board Liaison Officer (PEBLO).

### What is the MSC's role?

The MSC is the link between you and the Department of Veterans Affairs (VA). Your MSC will help you with your VA claim and keep you and your PEBLO informed of all VA processes.

After entry into the IDES, you should meet with your MSC within 10 days (Active Component) or 30

days (Reserve Component). The MSC will have a copy of your IDES case file and Service Treatment Record (STR) and will:

- Explain the VA's role in the IDES.
- Explain the Veterans Claims Assistance Act (VCAA).
- Help you to complete VA Form 21-0819.

You and your family do not have to navigate the IDES process alone. Your PEBLO and the MSC will provide help and information. Both know the unique issues surrounding your case and will coordinate your medical appointments and liaise with all government agencies to make sure that you and your family are aware of all processes and procedures.

It is essential that you claim any disabling conditions you believe are service-connected/aggravated. The VA will only consider the conditions for which your medical provider referred you into the Disability Evaluation System, and the conditions you initially claim and file with the MSC.

## Once Your Claim Form Is Complete

The MSC will request/schedule medical appointments for your joint Separation-Compensation & Pension (C&P) exam.

The MSC will also work with you and your PEBLO to collect information needed to support your claimed medical conditions (e.g., health treatment records from previous periods of service, private medical treatment records, etc.).

## Separation-Compensation & Pension Exam

You must attend all of your Separation-Compensation & Pension (C&P) exam appointments, which is a process that can take as long as 45 days to complete.

Once the VA receives your C&P exam results, they will provide them to your PEBLO for inclusion in your case file.

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## The Soldiers' Medical Evaluation Board Counsel

The Soldiers' Medical Evaluation Board Counsel (SMEBC) is a very important advocate throughout the IDES. They are specially trained in the IDES process.

The SMEBC's mission is to maximize your chances of attaining your goals while managing your expectations.

You should consult with your SMEBC upon:

- Referral into the IDES.
- Receipt of your Medical Evaluation Board (MEB) findings.
- Receipt of your Informal Physical Evaluation Board (IPEB) findings.

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# The Medical Evaluation Board

If you are suffering from an illness or injury, making sure you receive proper medical attention is the first priority. If your condition improves to the point that you are able to return to full military duty, you will be returned to a unit.

However, if the treating physician believes that you are unable to perform full military duty, or that you are unlikely to be able to do so within a reasonable period of time (normally 12 months), you will be referred to a Medical Evaluation Board (MEB) at the medical treatment facility (MTF) where your treatment is being provided.

If your physical condition falls below medical retention standards, the attending physician will refer you to the Physical Evaluation Board Liaison Officer (PEBLO) to start a MEB.

- The MEB is an informal process made up of at least two physicians who compile, assess and evaluate your medical history, and determine how your injury/disease will respond to treatment.
- The MEB documents the extent of your injury or illness and decides if your medical condition is severe enough to adversely affect your ability to continue serving in a full-duty capacity.

The attending physician does this by relating the nature and degree of your medical impairment to retention standards and the duties that you may reasonably be expected to perform in your respective branch/Military Occupational Specialty (MOS) and grade.

In a number of cases, certain diagnoses will require that you be referred to the Physical Evaluation Board (PEB).

If the physician believes you will be able to return to your full military duties within a reasonable period of time, and you meet medical retention standards, then a MEB is not required.

The exception is if the MOS Administrative Retention Review (MAR2) refers you to the IDES. In this case, the physician can only return you to duty if your profile is upgraded to P2 and you meet medical retention standards.

The MEB normally contains all of the medical and nonmedical evidence previously described. You (or your next of kin if you are not deemed competent) are required to review and sign the MEB findings, and will be allowed to comment, as desired, on the complete content of the MEB before it is referred to the PEB.

When a medical care provider or MTF representative informs you that referral to the PEB is recommended for a fitness determination, it is important that you become familiar with how the IDES process works.

- Your primary counselor and information resource is the PEBLO. Your PEBLO is your subject

matter expert, providing counsel on MEB and PEB findings, and related rights and benefits.

- Note that the PEBLO works in the Patient Administration Division (PAD) of the MTF, not for the PEB, and is a hospital commander appointee.

You will have the opportunity to review and comment on the medical and non-medical information referred to the PEB.

Soldiers' MEB Counsel (SMEBC) are available to assist you with any MEB rebuttals.

You must ensure that all medical conditions are accurately and completely listed on the forms provided during the physical examination. The examining physician will address those additional conditions, document findings and, if appropriate, refer you to additional specialists for further evaluation. This may result in additional medically unacceptable conditions being referred to the PEB.

To ensure timeliness in this processing through the IDES, it is in your best interest to:

- Attend all appointments – contact your PEBLO if you can't make an appointment. (No-shows will be reported to your commander.)
- Provide a copy of your Leave and Earnings Statement (LES), Enlisted/Officer Record Brief (ERB/ORB), last three evaluation reports [Officer Evaluation Report (OER)/Non Commissioned Officer Evaluation Report (NCOER)], and retirement point statement (Reserve Component) to your PEBLO.
- Provide copies of approved retirement or separation orders.
- Provide copies of orders for recent promotions or demotions.

You will be permitted to review the narrative summary (NARSUM) and any addenda regarding a medical condition that has been prepared for referral to the PEB.

After completion of the MEB, you will review the findings and recommendations, and have seven days to make your election (concur, nonconcur or request independent provider review). If you disagree with the MEB or feel there is information missing or not adequately addressed, you may submit a rebuttal. Soldiers' MEB Counsel (SMEBC) are available to assist you with any MEB rebuttals.

If your goal is to remain in the Army, you can use this opportunity to provide documentation on your ability to continue to perform your duties despite your medical condition(s).

## **Review the Contents of the MEB**

You may seek assistance from military legal counsel. You or your legal counsel may also request that an impartial physician be assigned to explain and help you review the MEB contents.

- You must submit a written request to have an impartial health professional review the MEB contents to ensure that all injuries/illnesses are properly addressed.
- MTF commanders designate an impartial physician, not associated with your medical board process. In most cases, the impartial reviewer should be your primary care physician. They have five days to review and advise you about the MEB contents, and must have working knowledge of the IDES.
- To preserve impartiality, physician reviewers should not engage in direct clinical care or refer you for further evaluation. Such actions should be referred to the MEB physician if they concern

MEB content, or to the appropriate provider if the requested care is unrelated.

- The impartial physician will review all medical documentation pertaining to the medical board to ensure each injury/illness has been addressed on the Department of the Army (DA) Form 3947 (Medical Evaluation Board Proceedings).
- Upon complete review of the medical board's documentation, the impartial physician will contact you to go over the findings in person. The impartial physician will then submit his or her findings in writing to your PEBLO.
  - Upon receipt of these findings, you will be provided a seven-day period to concur or not concur with the MEB findings. Any rebuttal or comments provided are referred back to the original physician, who will address the issues and make changes as appropriate.
- The reviewing physician receives the rebuttal and can decide to let the MEB stand as written, send the MEB findings back for further medical information, or forward them to the PEB with attachments or additional notes. All responses to your rebuttal or comments must be completed within seven days of receipt.

The whole MEB process, from your referral to a MEB until the day your case file is forwarded to the PEB, should take about 100 days.

## The United States Army Physical Disability Agency

The United States Army Physical Disability Agency (USAPDA) manages the Army's IDES and acts on behalf of the Secretary of the Army. USAPDA is a Field Operating Agency of Human Resources Command (HRC) and is headquartered in Crystal City, VA.

In addition to the USAPDA HQs, the Agency has PEBs located in the National Capital Region (NCR); Ft. Sam Houston, TX; and Joint Base Lewis McChord (JBLM), WA.

Medical treatment facilities (MTFs) that conduct MEBs are aligned with one of these three PEBs. This alignment determines which PEB will adjudicate a Soldier's case.

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## The Physical Evaluation Board

The Physical Evaluation Board (PEB) is made up of two types of boards: informal and formal.

A board is made up of a three-member panel trained on adjudication standards and procedures.

- The presiding officer will normally be a colonel (sometimes a lieutenant colonel); in addition, each board has a personnel management officer (normally a field grade officer or civilian equivalent) and a medical member (normally a DA civilian physician).
- Most civilian board members are retired military with significant experience.
- By law, all PEBs considering a Reserve Component (RC) Soldier will include an RC member on the board.

There are policy changes under consideration that may allow for informal PEBs to be conducted by a two-member board and not a three-member panel.

## Informal PEB

The Medical Evaluation Board (MEB) is initially reviewed by the informal PEB (IPEB). You do not appear before the IPEB.

The IPEB decision will include written justification supporting a Fit or Unfit finding for each of your medical conditions, and if your condition(s) are combat-related and/or incurred in a combat zone.

The board will also determine all of the following for any unfit conditions:

- If your military unfitting injury or illness occurred while in the line of duty (not as a result of misconduct) and whether you are entitled to benefits
- If your condition existed prior to joining the military [Existed Prior to Service (EPTS)] and whether it has been permanently aggravated by military service
- If you complied with the recommended medical treatment
- If your condition is permanent and/or stable

At the conclusion of the IPEB, the next step will depend on the IPEB results/determination.

## IDES is a Performance-Based System

It is important to remember that the IDES is a performance-based system.

- Simply because a Soldier has a medical condition does not mean that the Soldier cannot continue to serve on active duty or in the RC.
- It is the impact of the medical condition(s) upon the Soldier's ability to perform duties appropriate to his or her rank and job skill that is important.

A Soldier with a serious medical condition can be found fit when the evidence establishes that the Soldier can perform his or her duties.

The PEB makes determinations for all of the following:

- Fitness or unfitness to continue military service
- Eligibility for disability compensation
- Disability codes and percentage rating (only for non-IDES cases)
- Disposition of the case
- Whether or not the injury or illness meets combat-related criteria to qualify the Soldier for additional tax, employment or other benefits

## When is a Soldier unfit to continue military service?

You are unfit to continue in the Army when the preponderance of evidence demonstrates that one or more physical and/or mental condition(s), independently or in combination, significantly interferes with

your ability to perform the duties of your respective branch/Military Occupational Specialty (MOS) and grade.

The PEB makes the decision on fitness by balancing the extent of your condition, as shown through objective medical and performance evidence, against the requirements and duties that you may reasonably be expected to perform in your respective branch/MOS and grade.

- The mere fact that one or more medical conditions exist does not constitute an unfit determination.
- The inability to deploy to austere environments is only one factor in determining unfitness.

### **Typical medical evidence used by the PEB includes:**

- A narrative summary (NARSUM) written by the MEB physician
- History and treatment of the specific injury or illness
- Results of laboratory, X-ray, magnetic resonance imaging (MRI), computerized axial tomography (CAT) scan and other specialized tests
- Current Physical Profile
- All referrals to physicians, specialists and sick call (health record)
- Type and frequency of medication
- Results of physical exam completed within past six months

### **Typical performance/administrative evidence includes:**

- Statement from your commander addressing current ability to perform duties in MOS and unit
- Evaluation Reports
- Army Physical Fitness Tests
- Approved Line of Duty investigations

## **IPEB Determinations**

**If the IPEB determines you are unfit:** The PEB will forward your record to the VA Rating Board to rate your “referred” PEB-determined unfitting conditions and “claimed” conditions (listed on VA Form 21-0819).

**If the IPEB determines you are fit:** If the IPEB determines you are fit:

## **The VA Rating Board**

The VA Rating Board will evaluate your referred and claimed conditions and provide a proposed rating percentage with a supporting rationale to the PEB.

The PEB will then use the VA ratings to produce findings that will be forwarded to you through your Physical Evaluation Board Liaison Officer (PEBLO). This rating affects the amount of benefits you will be entitled to receive. A copy of the VA rating decision will also be provided.

## Election of Options

Once your PEBLO receives your IPEB fitness determination and disability ratings, your PEBLO will inform you of the IPEB findings and your options within three days. A trained Army attorney can assist you with any requests for VA Rating Board reconsiderations prior to your separation or retirement.

### If Found Fit:

If the IPEB renders a “fit for duty” decision, you may either concur or nonconcur with this decision.

If you nonconcur, you should submit a written rebuttal that includes new medical information or performance data not previously available or considered by the IPEB. Other supporting material may also be presented.

- If you are found fit by an IPEB, you do not have a legal right to a hearing; however, as an exception, a formal PEB may be requested from the PEB President.
- If you are found fit while on the Temporary Disability Retired List (TDRL), you are entitled to a formal hearing before the PEB.

### If Found Unfit:

If the IPEB finds you unfit, you may:

- Concur with the decision.
- Concur with the decision but request a one-time VA reconsideration of your VA disability ratings for the conditions determined unfitting.
- Nonconcur with the decision and submit a written rebuttal and/or demand a formal PEB.
- If you nonconcur with the PEB decision, you may also request a one-time VA reconsideration of your VA ratings for your unfitting conditions.

Note that you do not give up your rights to a formal PEB by submitting a written rebuttal.

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## Formal PEB

As provided by law, no active-duty or Reserve Soldier found unfit by an informal PEB (IPEB) may be retired or separated for physical disability without being given the right to demand a formal hearing.

- If you are found unfit by the IPEB and wish to appeal, you can demand a formal hearing, with or without a personal appearance.
- Army regulations require that unit commanders issue temporary duty (TDY) orders to Soldiers to support travel to and from formal hearings if their condition is referred as duty-related.

The formal PEB (FPEB) is your opportunity, with the assistance of legal counsel, to present evidence, testimony, witness statements, and documents in support of your case.

- You may appear in person and present evidence pertinent to the case or you may appear via video-teleconference from your home station.
- An appointed Judge Advocate General Corps (JAGC) attorney, or counsel of your own choosing (a civilian attorney or a representative from a National Service Organization such as Disabled American Veterans) can represent you. If you choose to have a non-appointed representative, it will be at no expense to the government.

## **I am going before an FPEB. What should I do?**

### **Counsel**

Once scheduled for a formal board, a judge advocate or a Department of the Army civilian attorney from the Office of Soldiers' PEB Counsel will contact you. These officers are not assigned to the PEB; they serve as independent military counsel.

- Military counsel is normally appointed and made known to you prior to the scheduled formal hearing date. This occurs as soon as is practicable after you choose a formal hearing.
- The military counsel must consult with you at least one day before your formal hearing. This is an opportunity to go over your case and discuss any last-minute questions.
- Changing representation (counsel) prior to the formal hearing does not constitute an automatic reason for delaying or postponing a formal hearing.

### **Informal vs. Formal PEB**

Once the formal board convenes to consider your case, the informal board findings become null and void. The formal board will then issue new findings without regard to the previous informal board findings.

### **Reporting to the Formal PEB**

Report to the FPEB Presiding Officer in the appropriate uniform of the day for the locale.

The FPEB will inform you of your rights, including your right to make sworn or unsworn statements, your rights under the Privacy Act, and your right not to make any statements about the origin or aggravation of your injury. If you decide not to testify, the FPEB panel will not question you.

### **Recording Testimony**

All FPEB proceedings are recorded except during the general overview prior to convening and the deliberation phase. You or your counsel may request a copy of the recording.

### **Documents to Bring with You**

During the FPEB, anticipate questions relating to how and when your condition occurred, treatments received, medication, and work limitations that it imposes. You will be provided the opportunity to discuss your case in detail.

The panel will usually have your medical records, medical reports, administrative and performance records, and statements from your chain of command concerning current duty performance.

To avoid undue delay and any detriment, you should arrive at the hearing with copies of all materials necessary to present your case. It is highly recommended that you submit any documentation not contained in the PEB packet to the board at least 24 hours prior to the actual board date. The FPEB members use all of this information in the decision-making process.

## **A Chance to Address Board Members**

Following questioning by the board members and your counsel's summation, you will have one last opportunity to address the board members and have the option of making a brief statement.

Once all evidence has been reviewed and testimony concluded, you and your counsel will be excused for deliberations. Only the voting board members are present during deliberations.

## **Board Members Vote and Provide Recommendation**

The FPEB members will independently vote to determine if you are fit or unfit.

- If you are found unfit, each of your unfitting medical impairments will be identified. If any of these conditions were not previously rated by the VA, your case file will be sent to the designated Department of Veterans Affairs (VA) Disability Evaluation System (DES) Rating Activity Site (D-RAS). The VA Rating Board will evaluate your referred and claimed conditions and provide a proposed rating percentage with a supporting rationale to the PEB.
- The FPEB will then reconvene and notify you and your counsel of their decision. You again have 10 days to concur or not concur with the FPEB findings.

The board issues determinations by majority vote. If the board's decision is not unanimous, the dissenting member may choose to submit a minority report citing their rationale for disagreeing with the majority. The minority report will be made a part of the PEB record and will cause an automatic review by the United States Army Physical Disability Agency (USAPDA).

If you are found fit, or found unfit with no new conditions not already rated by the VA, the PEB will provide you a copy of its Report of Proceedings before you leave the PEB.

## **Can I appeal the decisions of the FPEB?**

If you disagree with the FPEB findings, you may submit a rebuttal that will be reviewed by the FPEB. The FPEB will either affirm their initial findings or may issue revised findings (called a formal reconsideration).

If the FPEB issues revised findings, you will again be allowed to respond to those findings by submitting another rebuttal to the FPEB.

You may also request VA reconsideration of any condition you were found unfit for as long as you did not previously request VA reconsideration for the same condition. The PEB will forward your request to the VA D-RAS and will issue new findings if the VA changes the rating.

## Review by the United States Army Physical Disability Agency

Final approval authority for all PEB findings and recommendations rests with the United States Army Physical Disability Agency (USAPDA).

- All cases completed by the PEB are forwarded to the USAPDA.
- The USAPDA HQs conducts an appellate review of every case in which a Soldier disagreed with the final PEB findings (informal or formal), and also reviews a selected percentage of certain types of cases to ensure adjudicative consistency and accuracy.

The USAPDA has the authority to issue revised findings or return a case to the PEB for reconsideration if they determine the evidence of record does not support the PEB findings and recommendations.

## If USAPDA Issues Revised Findings

If USAPDA does issue revised findings, you will once again be allowed to agree or disagree with the revised findings, and submit a written rebuttal.

- If you have not yet had a formal hearing, one can be requested at this time.
- If you have already had a formal hearing, the appeal will be forwarded to the Army Physical Disability Appeal Board (APDAB) for review at that level.

After separation or retirement from the Army, you have the right to petition the Army Board for the Correction of Military Records (ABCMR) for relief if you believe your case was incorrectly decided or created an injustice or inequity.

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## What does a combined rating mean?

The Physical Evaluation Board (PEB) and the Department of Veterans Affairs (VA) combine ratings based on instructions found in the VA Schedule for Rating Disabilities (VASRD). They then arrange the rated conditions in order of their severity, starting with the greatest disability, and then rate each as a percentage of remaining efficiency. For example:

- A Soldier with a 60% disability is considered 40% efficient.
- If the Soldier also has a 30% disability, it is measured as 30% of the remaining 40% – leaving the Soldier as 28% efficient or 72% disabled.
- The 72% is rounded to 70%, which is the Soldier's combined rating.

This system is complicated. If you receive a combined rating, your Physical Evaluation Board Liaison Officer (PEBLO) or legal counsel can explain how it was determined.

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# Will I get disability retirement or severance pay?

Once you are eligible for disability benefits, the severity of your condition will determine whether you receive disability retirement or are separated with severance pay.

- Soldiers rated with a 0%, 10% or 20% disability who have less than 20 years of active service or 7,200 points of combined service, will be separated with severance pay.
- Soldiers rated at 30% or more, or who have 20 or more years of active military service or 7,200 points of combined service, receive disability retirement.

Disability retirement is either temporary or permanent depending on the stability of your medical condition.

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## Placement on the Temporary Disability Retirement List

If you otherwise qualify for permanent disability retirement, you will be placed on the Temporary Disability Retirement List (TDRL) if the PEB determines that your condition is not stable for rating purposes.

While on the TDRL, your disability rating doesn't change regardless of any change in your condition.

Placement on the TDRL protects both you and the Army. If you are placed on the TDRL, you will receive a medical reevaluation at least once every 18 months.

This reevaluation will be sent to a PEB for a new disability determination. The new PEB findings will result in one of the following outcomes:

- You will be found fit (and given the opportunity to return to military service if desired, unless you were pending nondisability separation when placed on the TDRL).
- You will be separated with severance pay (if your rating is decreased to less than 30% and you do not have 20 years of service).
- You will be permanently retired.
- You will be retained on the TDRL and reevaluated again within 18 months.

IDES procedures are not currently used for rating of TDRL cases, meaning the PEB will determine the disability ratings for all Soldiers being removed from the TDRL.

Placement on the TDRL can be no longer than five years. After five years you must be removed and given a final rating. If you do not keep the United States Physical Disability Agency (USAPDA) informed of your civilian address or do not report for your scheduled TDRL reevaluation, your retired pay may be suspended.

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## Disability Severance Pay

To calculate disability severance pay, multiply your basic pay for two months by your number of combined years of active service, up to 19 years.

A minimum of three years of service is used to compute severance pay. If the unfitting condition was incurred in the line of duty in a combat zone or in support of combat-related operations, a minimum of six years is used to compute severance pay.

Note that there is no difference between a 0%, 10% or 20% rating in the calculation of the amount of severance pay received. The rating is not a factor in determining severance pay.

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## Disability Retirement Pay

Disability retired pay is calculated on the basis of your actual disability rating (e.g., 30% disability rating) or length of service rating (2.5% x years of service), whichever is higher. The disability rating percentage is capped at 75%. The length of service rating no longer has the 75% cap.

The percentage is multiplied by your retired base pay. Soldiers who entered active duty after September 8, 1980, will have their retired base pay calculated as the average of their “high 36-months” of basic pay. For Soldiers who entered before September 8, 1980, final basic pay is used.

Soldiers placed on the TDRL will have their retired pay calculated using a minimum of 50% even if their combined rating was less than 50%.

Disability retired and severance pay awarded to Soldiers who were not members of the Armed Forces on September 24, 1975, is considered taxable by the Internal Revenue Service. An exception exists for a Soldier receiving separation or retired pay by reason of a combat-related injury. The Physical Evaluation Board (PEB) will make combat-related determinations on all cases considered.

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## Retirement/Separation Grade

For the purpose of calculating disability severance or retirement pay, your grade is the highest of the following:

- Your current grade
- The highest grade you satisfactorily held
- The grade to which you were pending promotion

Enlisted Soldiers on a promotion list will be promoted on their last day of active duty if otherwise eligible.

Officers on an approved promotion list receive disability severance pay at the higher grade and are retired at the higher grade. Officer promotion law, however, does not allow for an actual promotion ahead of the promotion eligibility date. The officer will be authorized an ID card based on the retired grade.

Retirement at a higher grade will not increase retired pay for Soldiers who fall under the high 36-month retired pay base.

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## **If I am found unfit, can I still remain on active duty in the Reserve/National Guard?**

If you are found unfit by the Physical Evaluation Board (PEB), you may request Continuation on Active Duty (COAD) or Continuation on Active Reserve (COAR) status as an exception to policy (AR 635- 40). Consideration for COAD/COAR is not the responsibility of the PEB.

Your Physical Evaluation Board Liaison Officer (PEBLO) will help you complete the packet that will go to the United States Army Physical Disability Agency (USAPDA) once you are found unfit by the PEB. It will then be forwarded to your component for a final determination.

To be considered for COAD or COAR, you must meet all of the following criteria:

- Have a condition that will not require undue loss of time from duty for medical treatment
- Not pose a risk to the health and safety of yourself or other Soldiers
- Be physically capable of performing useful duty in a Military Occupational Specialty (MOS) for which you are currently qualified or potentially trainable

A COAD/COAR application must be submitted by a Soldier within 14 days of approval of the PEB findings. Your PEBLO can provide more information on the COAD/COAR process.

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## **Prior to Separation**

You should stay in contact with the Military Service Coordinator (MSC) at the medical treatment facility (MTF). The MSC will notify the Department of Veterans Affairs (VA) Regional Office of your separation date and track your separation process. The MSC will also advise you on your rights to appeal your disability ratings and other post-separation VA processes, and will forward your DD Form 214 (Part 3) to the VA Rating Board.

It is essential that you keep the original and several copies of your DD Form 214 in case you need it for further appeals.

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## Separation

It is very important that the MSC be notified of your separation date and receives a copy of your DD Form 214, Certificate of Release or Discharge from Active Duty, as soon as possible. Initiation of your VA benefits depends upon receipt of your DD Form 214.

It may be financially beneficial to separate prior to or as close to the last day of the month as possible, but not on the last day. Entitlements to VA disability compensation accrue beginning the first day after the first full month following separation. This means you should be paid on the first day after the first full month following separation.

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## Post-Separation

The VA Rating Board should issue your benefits letter 20 days after separation. The IDES aims to provide your VA benefits on the first day of the month following the month in which the benefit becomes effective.

You may appeal a determination of your rating decision (within one year of receiving your formal notification letter from the VA) by submitting a Notice of Disagreement (NOD) with the decision to the VA Regional Office of Jurisdiction.

The VA Regional Office of Jurisdiction will review your NOD and issue a Statement of the Case (SOC) and/or a revised rating decision.

You will have 60 days from the date of the SOC, or the remainder of the one year from the date of the original notification of decision (whichever is longer), to file a VA Form 9, Appeal to the Board of Veterans Appeals (BVA).

The VA Regional Office of Jurisdiction will forward your appeal to the BVA for a decision. The BVA may do one of the following:

- Grant the benefit you are seeking (the BVA will notify the VA Regional Office to change your VA rating)
- Deny the benefit you are seeking
- Remand your case to the VA Regional Office for additional casework before being returned to the BVA

If the BVA denies your appeal, you may appeal to the U.S. Court of Appeals for Veterans Claims for final jurisdiction. Please note – the appeal process can be quite long.

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# Reserve Component Soldiers

## Reserve Component Soldiers on Active Duty

There is no difference in the Physical Evaluation Board (PEB) case processing for a Reserve Component (RC) Soldier serving on a period of active duty from that of an Active Component Soldier. You are entitled to the same PEB determinations and disposition recommendations.

## Transferring to the Retired Reserve

There are two provisions of law that allow you to transfer to the Retired Reserve instead of accepting disability severance pay or being separated without entitlement to benefits due to a condition that existed prior to service (EPTS). If you accept disability severance pay when making an election under the laws below, you forfeit all right to nonregular retirement upon reaching the statutory age for nonregular retired pay. You have “bought-out” your service.

- 10 United States Code (U.S.C.) 1209 allows a Ready Reserve Soldier to be transferred to the Retired Reserve instead of accepting disability severance pay when the member has 20 qualifying years.
- 10 U.S.C. 12731b allows a member of the Selected Reserve to transfer to the Retired Reserve when he or she has at least 15 qualifying years and loses qualification to continue in the Selected Reserve solely due to the medical impairment.

Remember that the IDES is a performance-based system. The process determines if your medical condition(s) renders you fit or unfit to perform military duty. It does not assess your capacity to perform in a civilian position.

## Reserve Component Soldiers Not on Active Duty

The process for RC Soldiers who are not on active duty, but who have conditions that are duty-related (line of duty – yes) is similar to the process for those on active duty, but the transition process differs.

RC Soldiers not on active duty who have non-service-connected conditions may be referred to IDES under the non-duty-related process for a determination of fitness only.

Referral is generally voluntary, and you can request it when you are notified you are pending separation due to medical disqualification.

Referral may be involuntary as is the case for United States Army Reserve Army Medical Department (USAR AMEDD) officers who participated in certain scholarship programs.

Your command decides whether to submit a case as “duty-related” or “non-duty-related.” Cases referred under the non-duty-related process are not authorized Medical Evaluation Boards (MEBs). For non-duty-related cases, the PEB only determines fitness. No ratings are provided and the case is not forwarded to the VA Disability Rating Activity Site (D-RAS).

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## Warrior Transition Units

The U.S. Army established Warrior Transition Units (WTUs) at major medical treatment facilities (MTFs) around the world. You may be assigned to a WTU if you need at least six months of rehabilitation and complex medical management.

A WTU closely resembles a “line” Army unit, with a professional cadre and integrated Army processes that build on the Army’s strength of unit cohesion and teamwork so that you can focus on healing to transition back to the Army or to civilian status.

Each Warrior in Transition (WT) works with a primary care manager (normally a physician), nurse case manager and squad leader. They will coordinate your care with other clinical and non-clinical professionals.

The Army will take care of you with the primary goal of returning you to duty; however, if a return to duty is not possible, you will be processed through the IDES as described in this guide.

## Community-Based WTUs

A Community-Based Warrior Transition Unit (CBWTU) functions as a WTU for WTs who receive medical care in their community at Department of Defense (DoD), TRICARE or Department of Veterans Affairs (VA) health care facilities.

The CBWTU primarily provides outpatient care management and transition services for Army Reserve and National Guard WTs (COMPO 2 and 3) who do not need the day-to-day medical management provided by WTUs on Army installations.

The CBWTU enables WTs to recover and transition at the location closest to their personal support network or at home, if medically supportable. Clinical care requirements determine whether a WT is assigned to a WTU or CBWTU.

Note that all documentation requirements, Physical Evaluation Board Liaison Officer (PEBLO) counseling and appeal rights are exactly the same for Soldiers attached to a CBWTU as for a Soldier receiving care at a military MTF.

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## Frequently Asked Questions

**I suffer from a condition listed in the VASRD. Does this mean I**

## will be found unfit by the PEB?

It is important to understand that the IDES is a performance-based system.

Simply because you have a medical condition listed on the Department of Veterans Affairs Schedule for Rating Disabilities (VASRD) does not mean that the Physical Evaluation Board (PEB) will find you unfit to continue to serve on active duty or in the Reserves. It is the impact that your medical condition (s) has on your ability to perform your duties that is important.

- You can have a serious medical condition and still be found fit when the evidence establishes that you can still perform your duties.
- For the PEB to find you unfit, your case must show that you are unable to reasonably perform the duties of your office, grade, rank or rating as a direct result of your condition.

## I have more than one diagnosis. If the PEB finds me unfit for one, will they all be found unfitting?

The PEB evaluates the evidence of each diagnosis. For example, a Soldier, in a single accident, could suffer internal injuries that result in the loss of one kidney and a musculoskeletal injury that crushes two vertebrae, damaging disks and impinging on nerves. The loss of a single kidney would not necessarily prevent the performance of military duties; however, the back injury may very likely result in the Soldier being unfit.

In this example the disability rating would likely be awarded for the back injury only.

## The PEB says my condition is EPTS. How can this be? I never suffered from this condition before?

Physical or mental disabilities that make you unfit may have existed before you entered the Army. Causes of Existed Prior to Service (EPTS) disabilities include:

- Hereditary or congenital defects (conditions that you were born with)
- Injuries with an inception before entering active service

There is a presumption that preexisting conditions have been service-aggravated; however, this presumption can be overcome if the PEB determines that it is clear and unmistakable that the worsening of any condition followed the "natural progression" of the preexisting injury or disease.

- If you have less than eight years of total active service (see "Eight-Year Rule" on the next flap), you may be separated without disability benefits.
- This occurs when the PEB determines that, based on clear and unmistakable evidence, your injuries are EPTS without permanent aggravation.

By law, the Army only compensates for those conditions that were caused by, or permanently aggravated as a result of, military service.

- It is possible for you to possess a physical or mental disability and never experience a problem until you encounter the stresses of military life.
- The physical and emotional stress of military training can cause a latent condition to appear or an old injury to worsen to the point that you are no longer able to perform your military duties.

## Appeal EPTS Finding

To appeal a finding of EPTS, you must do one of the following:

- Present medical evidence that your condition did not exist prior to entering the service
- Provide medical evidence documenting that military service permanently aggravated a preexisting condition.

## Separation without Disability Benefits

You may be separated without disability benefits in the following situations:

- The unfitting condition resulted from injury that was due to intentional misconduct or willful neglect.
- The disability was incurred during a period of unauthorized absence.
- The disability was not incurred or aggravated in the line of duty (for example, EPTS).

## Eight-Year Rule

By law, a Soldier with over eight years of active Federal service is eligible for disability compensation even if the condition is EPTS.

The eight years of active service do not have to be continuous; however, you must be on active-duty orders of more than 30 days for this rule to apply.

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## Resources

### U.S. Army Physical Disability Agency

<https://www.hrc.army.mil/site/Active/TAGD/Pda/pdapage.htm>

E-mail: [Usapda\\_INQUIRIES@conus.army.mil](mailto:Usapda_INQUIRIES@conus.army.mil)

Phone (toll-free): 1-877-577-3065

### MEDCOM Patient Administration Division

<https://www.us.army.mil/suite/page/419354>

E-mail: [mailto:MEDCOM-PDES@amedd.army.mil](mailto:mailto:MEDCOM-PDES@amedd.army.mil)

### Department of Veterans Affairs

<http://www.va.gov/>

VA Benefits Phone (toll-free): 1-800-827-1000

## Other helpful links:

### **My Army Benefits**

<http://myarmybenefits.us.army.mil/>

Special information is provided for severely injured Soldiers and their families in the Wounded Warrior section of the site.

### **TurboTAP**

<http://www.turbotap.org/>

Click link to download Wounded, Ill and Injured Compensation & Benefits Handbook.

### **National Resource Directory**

<https://www.nationalresourcedirectory.gov/>

Connects wounded warriors, Service members, Veterans, and their families with those who support them.

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