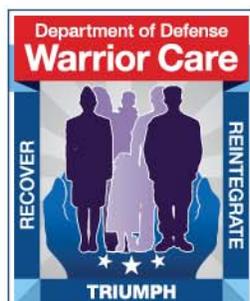


2014

Wounded, Ill and Injured **COMPENSATION AND BENEFITS HANDBOOK**



OFFICE OF
WARRIOR CARE POLICY

CHAPTER 4: THE INTEGRATED DISABILITY EVALUATION SYSTEM (IDES)

Each military department has established its own procedures under public law and Department of Defense (DoD) guidelines administering the IDES. In the IDES, a service member completes the integrated processes of both DoD and VA simultaneously, using one set of medical examinations to determine fitness for duty as well as level of disability. This integrated process reduces the previous lag between separation from DoD and receipt of VA benefits, reducing the financial impact on a wounded, ill, or injured Service member and their family. While there are some differences between the Services systems, all have the same general steps:

- Allow recovery time for the service member
- Evaluate service members' fitness for duty
- Authorize return to duty for those who are found fit
- Approve disability separations or retirements, including making benefits determinations, for those who are found unfit.

When you suffer a wound, illness, or injury, the doctors and staff of an appropriate medical facility will treat you. For many members, this is the end of the process if they recover from their medical condition(s). For a small number of members, a wound, illness, or injury can result in a permanent condition that may make them unfit for continued duty in their current job.

Each service uses a slightly different method to determine when to enter a member into the IDES (or legacy DES process for initial entry trainees and military academy cadets). Additionally, because of unique missions and an individual Service member's job classification, retention standards can vary. The Army, for instance, uses a physical profile system that measures soldiers' physical limitations in six areas with a level between 1 (fully healthy) to a 4 (severely limited) in each. If a soldier receives a permanent level 3 or 4 in any area, the doctor is required to recommend that a Medical Evaluation Board (MEB) review the soldier's case. The Air Force evaluates a member for retention, and if their condition is limiting, they will designate an assignment limitation code and reevaluate the member at a later date. If the condition is not expected to improve within 12 months, and the condition is stable, they will be referred into the IDES. In the Navy and Marine Corps, the process begins with the doctor recommending entry into the IDES with no prior profiling requirement. You should talk with your chain of command and your doctors to find out how the IDES process begins for your service.

SECTION 1: THE REFERRAL AND CLAIMS DEVELOPMENT PROCESS

Every patient is different, therefore, a doctor will wait to refer you into the IDES until he or she sees how you respond to treatment and rehabilitation therapy. The doctor will refer your case to the IDES only after becoming satisfied that all that can be medically done to improve your condition has been done, though the Services generally require doctors to initiate the process after 12 months of treatment for the same injury or illness. In his or her referral, the doctor will identify the condition(s) that he or she believes to be potentially unfitting for continued service.

When you are referred into the IDES, the Military Treatment Facility administrative staff will assign a Physical Evaluation Board Liaison Officer (PEBLO) to manage your case as you progress through the process. The PEBLO will counsel you on the process, explaining the sequence of events that will occur and describing your responsibilities while in the IDES. The PEBLO will work with you to gather all of your medical records, including any treatment you may have received from a civilian

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doctor. Together, you will complete Section 2 of VA Form 21-0819, the VA Disability Claim form. When you have finished that step of the process, the PEBLO will refer your case to a local VA Medical Services Coordinator (MSC).

The MSC will review your medical records with you to help identify any potentially disabling conditions that occurred during, or were aggravated by, your military service. Working together, you will complete the VA Disability Claims form, noting all conditions that may be eligible for a VA disability rating, not just those that the referring physician identified as potentially unfitting for continued service. Once this claim development step is complete, the MSC will schedule the medical examinations needed to evaluate all of your conditions. The MSC will provide the examination schedule to your PEBLO, who will then brief both you and your chain of command to ensure that you understand where you have to be on what day. Once scheduled by the MSC, the medical examination becomes your place of duty for the given day and time.

SECTION 2: THE MEDICAL EXAMINATION AND MEDICAL EVALUATION BOARD (MEB) PROCESS

Once your VA Benefits claim is completed, the VA MSC will schedule the examinations necessary to determine your level of disability. These examinations will be performed by a VA or contracted physician; the results will be used to establish both your DoD and VA disability ratings. Every effort will be made to conduct the examinations at a location close to your duty station (or home, in the case of Reserve component personnel). When the examinations are complete, the physician makes the results available to the VA MSC, who in turn shares them with your PEBLO.

When the PEBLO receives the examination results, he or she will coordinate with administrative staff at your Military Treatment Facility to convene a Medical Evaluation Board (MEB). The PEBLO will build a packet of information containing your medical records, results from tests and medical examinations performed related to your condition, letters from your chain of command describing how the injury or illness impacts your ability to perform your duties, copies of your performance evaluation reports, and other personnel records that the MEB may require. The MEB will review this information and determine whether you meet your service's medical retention standards. While each service has individual rules, generally, the MEB is made up of medical care professionals, and in the case of mental health conditions, includes a mental health care provider as well.

When the MEB members review your case, they are responsible for answering the question, "Do you meet Service retention standards?" In answering this question, there are several decisions they can make. They may determine that you meet medical retention standards and return you to full duty in your current job. If they determine that you do not meet the medical retention standards, they will forward a recommendation to the Physical Evaluation Board (PEB). That recommendation will be in the form of a MEB report, which identifies the medical condition(s) that do not meet the retention standards. Note that the MEB does not determine your fitness for duty or level of disability.

Upon request, you may be assigned an impartial physician or other appropriate health care professional to review the medical evidence presented in the narrative summary or medical board findings. You may present a rebuttal to the results of the medical evaluation board.

SECTION 3: THE PHYSICAL EVALUATION BOARD (PEB)

The Department of Defense (DoD) regulations list minimum requirements for the membership of a PEB, but leaves the exact determination of who will sit on the board up to the military department to decide. Generally, the Services have opted for a three-person PEB, with a mix of military and civilian members. The president of the PEB is generally a colonel, Navy captain, or civilian equivalent, and the other board members include a field-grade personnel officer and a senior medical officer. This ensures

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that each board has the expertise of a line officer in the president of the board, the medical knowledge of a senior medical officer, and the personnel policy knowledge of a senior personnel officer.

The PEB will meet informally to review your case and will not require you to attend the informal meeting. Using the packet developed by the PEBLO during the MEB process, the board will review your medical record, the doctor's narrative summary, your personnel evaluations, and letters from your commander. If the board determines that one or more of your medical conditions make you unfit for continued service, they will forward your case to a VA Disability Rating Activity Site (DRAS) and request that the DRAS develop a proposed disability rating for each of your referred and claimed conditions. The board will receive the proposed rating from the DRAS and use the disability percentage for each of your unfitting conditions to establish a DoD disability rating. The members will then determine your disposition – return to duty, separation, or permanent or temporary retirement.

The PEBLO will notify you of the findings and your proposed disability rating determined by the informal PEB (IPEB). At this point, if you were found “unfit” you must choose between rebutting the IPEB, requesting a formal PEB, or accepting the informal PEB findings. Government legal counsel is available to consult (by telephone or otherwise) with you regarding your rights and elections following receipt of the decision from the IPEB. If you choose to have a formal PEB hearing, you will be allowed to appear before the PEB and discuss your case with the board members to ask them to reconsider the informal PEB's decision. You can also provide them additional information important to that reconsideration. Additionally, you have a right to be represented by legal counsel at the formal PEB. Members found fit by the PEB cannot later be separated by their Service on the basis of suitability under Section 534 of the National Defense Authorization Act (NDAA) for Fiscal Year 2011. More information on the disability rating percentages, the benefits those percentages provide, and your right to legal counsel and appeals of PEB decisions are in later sections of this chapter.

SECTION 4: PEB DISPOSITION FINDINGS

When the PEB provides its final disposition of your case, there are five possible outcomes. These outcomes are based on your combined rating, based on the “unfitting” conditions. The dispositions available from the PEB are:

1. **Return to Duty.** If your conditions are not considered severe enough to make you unfit for duty, you will be returned to your job and service. No disability benefits would be paid while you continue to serve, but you may be eligible for VA benefits after you leave the military.
2. **Separate without Benefits.** Some injuries are determined to be “not in the line of duty.” These are injuries which are a result of intentional misconduct or willful negligence on your part or that took place when you were not on orders if you are a National Guard or Reserve member. If your injury is found to be “not in the line of duty” but is “unfitting,” you could be separated without benefits for those injuries. If your injury or illness resulted from a medical problem that you had before you entered service and the injury or illness was not aggravated by your service, you may also be separated without benefits. There are some special rules for this situation. If you have served more than six months in the military, you could be eligible for benefits unless there is compelling medical evidence showing that the condition existed at the same level of severity before you joined. Your PEBLO or legal counsel can help you understand the rules for separation without disability benefits.
3. **Separate with Severance Pay.** If one or more of your conditions is considered “unfitting” for continued service, but the combined disability rating of all your unfitting conditions is less than 30 percent, you may be separated from active duty and be awarded severance pay based on your time in service and current pay grade.

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- 4. Transfer to the Permanent Disability Retired List (PDRL).** If all your unfitting conditions resulted in a combined disability rating of 30 percent or higher, and your condition is considered stable (meaning your disability rating is unlikely to change within 5 years), you will be permanently retired for disability and placed on the PDRL. This provides you with disability retirement pay, access to TRICARE for you and your eligible dependents, commissary and exchange privileges, and all other benefits of regular military retirement. If you have more than 20 years of service and your combined disability rating is 0-20 percent, you will be allowed to retire with all the regular retirement benefits. Your local finance office or the DFAS Wounded Warrior Pay Management Team will help you calculate the amount of retired pay you will receive.
- 5. Transfer to the Temporary Disability Retirement List (TDRL).** The TDRL allows the service to ensure a medical condition stabilizes before making a final disability determination. If you are eligible for permanent disability retirement, but your condition is not considered stable, you will be temporarily retired and placed on the TDRL for a maximum of 5 years. Every 12-18 months, you will be reevaluated to see if your condition has stabilized and if you can return to active duty. Benefits while on the TDRL are the same as those for the PDRL. If, during those 5 years, the service determines that your condition is stable and that you are fit for duty, your service will offer you the chance to return to duty. If your condition stabilizes but you are not able to return to duty, you will be transferred to the PDRL.

SECTION 5: UNDERSTANDING DISABILITY RATINGS AND BENEFITS

If the PEB finds you unfit based on one or more of your conditions, they will provide you with a combined disability ratings percentage. This is an important number because it determines what type of separation you receive and, subsequently, the types of benefits you are eligible to receive from the DoD. You will also likely receive a disability rating percentage from the VA, which may be different than the rating percentage you receive from DoD.

Some Service members are confused when they receive a higher combined disability rating from the VA than from DoD. It is important to remember that the PEB calculates your combined rating based only on conditions that make you unfit for continued military service. So if the VA finds that you have disabilities that are connected to your military service but do not make you unfit for military service (e.g. treatable high blood pressure or a small loss of hearing) you may receive a higher disability rating from the VA.

The combined disability rating is not calculated by adding the percentage of disability for each condition rated “unfitting.” Rather, the highest disability rating is considered first, then the second highest, and so on in order of severity. If you have a 60 percent disability, the VA Schedule for Rating Disabilities (VASRD) considers you to be 40 percent “efficient.” Efficiency is a measure of your total health minus your disability, so someone with a 60 percent disability has only 40 percent of his or her total health that is not impacted by the disability. The next highest disability percentage will be applied to the 40 percent efficiency left after the initial 60 percent rating is applied to the total healthy score of 100 percent efficient.

Example: Member with three unfitting conditions rated 60, 30, and 20 percent.

- First rating is 60 percent of the whole person, leaving the member with 40 percent efficiency.
- Second rating is 30 percent of the 40 percent efficiency, which is a loss of 12 percent efficiency ($.30 \times .40 = .12$). This is added to the first disability rating percentage of 60, for a cumulative score of 72 percent combined disability from the first two conditions. This leaves the member with 28 percent efficiency.

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- Third rating is 20 percent of the 28 percent efficiency, which is a loss of six percent efficiency ($.20 \times .28 = .056$, which is rounded up to .06). Added to the combined disability in the second rating of 72 and the rating becomes 78 percent.
- The combined rating of 78 percent must be rounded to the nearest 10, giving the member a combined rating of 80 percent.

SECTION 6: YOUR RIGHT TO APPEAL THE PEB'S DECISION

As mentioned earlier, while the IDES is guided by public law, each Service has its own administrative policies for how it applies the law. One thing that all of the Service systems provide you is a right to appeal the decisions of the PEB. Your PEBLO can assist you. You have the right to hire an attorney of your choosing, at your own expense, or you may ask to have a military lawyer represent you at no cost. If you are not successful with your appeal and are still separated or retired, you may petition your Service's Board for Correction of Military (or Navy) Records. To learn more about your Service's Correction Board, visit the website for your service below:

- **Army:** Army Board for Correction of Military Records (ABCMR): <http://arba.army.pentagon.mil>.
- **Navy and Marine Corps:** Board for the Correction of Naval Records (BCNR): <http://www.donhq.navy.mil/bcncr/bcncr.htm>
- **Air Force:** Air Force Board for Correction of Military Records (AFBCMR): <http://www.afpc.af.mil/afveteraninformation/airforceboardforcorrectionofmilitaryrecords/>