

# MEB Outreach Office



The Fort Riley Medical Evaluation Board (MEB) Outreach Office has a licensed and experienced civilian attorney as well as a certified paralegal who are specially trained in disability law, the medical evaluation board process, and the Army Physical Disability System. They provide legal advice concerning MEB board proceedings.

At no cost to the Soldier, these professional advocates represent the individual Soldiers during the MEB process by ensuring their rights are protected, that the Soldiers receive fair assessments of their medical condition and that the condition is accurately documented during the MEB process.

These legal advocates review MEB case files and medical records to evaluate potential and likely outcomes of boards. They also review medical tests in order to advise Soldiers what to discuss with their medical team. This ensures records are complete and the necessary documentation is present for their case.

The legal team has the experience and knowledge to work with multiple commands, organizations, and individuals on and off Fort Riley to resolve Soldier issues that often arise while the Soldier is undergoing the MEB process.

# MEB Explained

A MEB is an informal proceeding consisting of at least two physicians evaluating the medical history of a Soldier and determining how the injury/disease will respond to treatment protocols. During the course of the MEB, physicians refer to medical fitness standards contained in AR 40-501, Chapter 3, which lists various medical conditions and physical defects that may render a Soldier unfit for military duty.

If the Soldier does not meet medical retention standards, the MTF refers the case to the applicable Physical Evaluation Board (PEB) for a determination of fitness under the policies and procedures of DoD Directive 332.38 and AR 635-40.

The MEB may only return the Soldier to duty when it determines the Soldier meets medical retention standards and upgrades the profile to a permanent 2 or 1.

# MEB Explained (Cont.)

What determines if a person is fit or unfit for duty? According to DoDD 1332.18(1996), the sole standard for making determinations of unfitness due to physical disability is based on ability to perform the duties of the service member's office, grade, or rank because of disease or injury. This is where the process begins.

A physician examines the Soldier, initiates necessary consults from other departments, orders a complete physical and reviews the Soldier's medical history. To ensure standardization, physicians who prepare MEBs are encouraged to use the Department of Veterans Affairs Physician's Guide for Disability Evaluation Examinations to indicate the nature and degree of severity of the Soldier's condition. Once all of the necessary activities are complete, the physician completes the narrative summary (NARSUM).

The PEBLO is responsible for the case management of the Soldier. PEBLOs annotate significant dates and assists Soldiers in getting medical appointments. They are the first to know if the process has slowed or halted. When the PEBLO has a complete MEB packet, he takes the case to the Deputy Commander for Clinical Services (DCCS) for approval. Following approval, the PEBLO counsels the Soldier on the findings. If the Soldier agrees, he signs and the case is sent to the PEB.

# What is Required in a MEB Packet?

MEB packets submitted to the PEB must include a complete narrative summary of the case. In reaching any conclusions, physicians must consider all medical evidence, medical history, results of x-rays and laboratory tests, reports of consultations, and responses to therapy.

As outlined in DoDD 1332.38, MEB packets forwarded to the PEB shall include the following information:

1. Member's name, rank, grade, and social security number;
2. Specialty of the signatory physicians;
3. Clinical department of service;
4. Medical treatment facility and its location;
5. DD Form 199 (Informal PEB decision);
6. Copy of the Line of Duty Determination (if applicable);

# What is Required in a MEB Packet?

## (cont)

7. Letter from the Soldier's commander describing how the member's medical condition impacts job performance and deployability status;
8. Military history, to include date of first and most recent entry into the service; estimated termination of service; administrative actions pending or complete;
9. Chief complaint, preferably stated in the Soldier's own words;
10. Social information including living arrangements, marital status, leisure activity, acquaintances, substance use or abuse, police encounters/record;
11. Functional status of the Soldier;
12. Statement regarding prognosis for functional prognosis post-treatment period;
13. Stability of current clinical condition.
14. Statement of compliance with treatment recommendations and reasonableness of any refusal of recommended treatment procedures;
15. Requirement for monitoring including frequency of indicated treatment and/or therapy visits and associated operational assignment limitations; and
16. Official documents identifying next of kin if service member is legally incompetent.

# Disability Evaluation System Background

Disability laws allow the Secretary of the Army to remove from active duty those who can no longer perform their duties because of a physical disability in order to maintain a fit and vital force, and to fairly compensate members whose military careers are cut short due to a service-connected or service-aggravated physical disability. Chapter 61 of Title 10 U.S.C. is the mechanism and it applies to all grades, both active and reserve.

# Fitness for Duty Medical Examination

Commanders may refer Soldiers under their command to the MTF for a medical examination under the provisions of AR 600-20, para 5-4, when they believe the Soldier is unable to perform MOS or specialty code duties due to a medical condition. This examination may cause conduct of a Medical Evaluation Board, which normally will be forwarded to the Physical Evaluation Board when it finds that the Soldier's medical condition falls below medical retention standards.

# MOS/Medical Retention Board (MMRB)

The MMRB is an administrative screening board conducted under the provisions of AR 600-60 that determines whether Soldiers with permanent 3 of 4 physical profiles can perform their primary military occupational specialty (branch for officers) in a worldwide, field environment. The MMRB Convening authority (MMRBCA) may direct that the case be referred to a Medical Evaluation Board/Physical Evaluation Board.

# Physical Evaluation Board (PEB)

- Informal
  - The initial findings and recommendations are based on a records review without the Soldier's presence.
- Formal
  - Soldiers who disagree with the informal findings and who are found unfit are entitled by law to a formal hearing. Soldiers who are determined fit may request that the PEB president grant them a formal hearing. Soldiers may elect to appear or not appear and to be represented by appointed counsel, or by counsel of choice at no expense to the government. Soldiers may request essential witnesses to testify on their behalf. The PEB president determines whether witnesses are essential.

# Appellate and Quality Review

- USAPDA reviews those cases in which the Soldier disagrees with the findings of the PEB and submits a rebuttal. Additionally, USAPDA designates certain cases for mandatory review and conducts a sample review of others. If USAPDA changes the findings of the PEB and the Soldier nonconcur and submits a rebuttal, the case is forwarded to the Army Physical Disability Appeal Board (APDAB) for final decision.

# Rating Schedule

Once a determination of physical unfitness is made, the PEB is required by law to rate the disability using the Veterans Schedule for Rating Disabilities (VASRD). DoD Instruction 1332.39 and AR 635-40, Appendix B, modify VASRD provisions inapplicable to the military and clarify rating guidance for specific conditions. Ratings can range from 0 to 100 percent rising in increments of 10.

# FAQ

- What can the MEB Outreach and Soldiers' Counsel do for me?  
MEB Outreach Counsel and Soldiers' Counsel provide numerous services to Soldiers who are going through the MEB/PEB process. At the beginning, we provide general advice and assistance in developing a strategy to reach your desired outcome. As you progress through the system, MEB and Soldiers' Counsel can provide more specific advice. As your case further develops, MEB Outreach Counsel and Soldiers' Counsel can provide specific advocacy and representation.
- Can MEB or Soldiers' Counsel make my doctor change his or her notes or my NARSUM?  
No. Neither the MEB Outreach Counsel nor Soldiers' Counsel are doctors and cannot make a doctor change his or her medical opinion.  
If, at the time you receive your DA Form 3947, you disagree with the MEB doctors' determinations, you can disagree with the findings and the MEB Outreach Counsel will assist you in submitting a rebuttal.

# FAQ

- What can I do now that will help me later on during the process?  
You can start by getting copies of all your medical records and ask for a copy of each printout after every appointment. You can also begin to determine what you want to achieve (finding of fit and return to duty or separation with an appropriate rating). Depending on the desired outcome, MEB Outreach Counsel can give you general advice on what evidence will be most helpful. You can then start to develop and gather evidence.
- I know I want to be found fit and returned to duty. What can I do to help make that happen?  
You can talk to your doctor about changing your profile to a P2 and limiting the amount of restrictions imposed; if at all possible, perform your PMOS duties. Ensure your command is aware of this performance. If you cannot perform your PMOS duties then perform duties that are as close as possible to your PMOS. Additionally, coordinate with your supervisor for permission to perform as many basic Soldier skills (as listed in Block 5 of your profile) as possible and take and pass an APFT. Ensure your supervisors document all of your efforts.

# FAQ

- I received my DA Form 3947 (MEB Report) and do not know if I should agree with it. Can I see an attorney?

Yes. MEB Outreach Counsel can look at any records you provide and speak with you regarding your rights. If you want an attorney to review your packet, you must call our office immediately. You may only have as few as 7 days from the time you received your DA Form 3947 to make your election.

- My case was referred by the MEB to the PEB. I received a DA Form 199 (Informal PEB Decision) and I disagree with the outcome. What can I do?

There are several potential actions a Soldier can take. He or she may discuss their case with a MEB Outreach Counsel who will, in consultation with Soldiers' Counsel, review the documents and discuss the Soldier's goals to determine the best course of action. If desired, it is important to schedule an appointment soon after receiving your DA Form 199 because you only have 10 days to respond.

# FAQ

- I've requested a formal PEB hearing and want to be represented by an attorney. What should I do next?  
It takes several days for Soldiers' Counsel to receive your file and contact you. If you have not heard from our office within 3 days of receiving your notice of the date of your formal board, please contact MEB Outreach Counsel or Soldiers' Counsel.
- How can Soldiers' Counsel help me with my formal hearing?  
The Soldiers' Counsel will contact you as soon as they receive your case file and begin working with you to prepare for the hearing. If you elect personal appearance, you will be sent TDY to Ft. Lewis to meet with counsel in advance of your hearing. They will present evidence to the PEB on your behalf and advocate for your desired outcome before, during, and after the hearing, as necessary.
- If I am unhappy with my formal hearing decision, can Soldiers' Counsel assist with an appeal?  
Yes. Soldiers' Counsel can identify bases for appeal when they exist and can also advise you if appealing is in your best interest. Soldiers' Counsel can assist in ensuring that an appropriate appeal is drafted and submitted within the time limits allotted by the PEB.

# FAQ

- The PEB placed me on the Temporary Disability Retirement List, should I still consult with a MEB Counsel?

Yes, even if you will concur. As a condition to TDRL, your case will be reevaluated in the next 6 to 18 months by the PEB. Counsel can provide you with important information and advice about the TDRL review process.

- Am I entitled to an independent medical review?

Yes. You have the right to request an independent medical review. The MEB Outreach Counsel will provide assistance to you in drafting the request.

# MEB Reference Information

- The references below are the statutory, regulatory and DoD directives supporting the PDES. They are listed by number and title. To view these documents electronically, click on your choice.

(The following files require Adobe Acrobat Reader to open.)

AR 40-501 = Standards of Medical Fitness

AR 40-3 = Medical, Dental, and  
Veterinary Care

AR 600-8-4 = Line of Duty Investigations

AR 600-60 = Physical Performance Evaluation System

AR 635-40 = Physical Evaluation for Retention, Retirement, or Separations

DoD Directive 1332.18 = Separation or Retirement for  
Physical Disability

Chapter 61, Title 10 USC = Retirement or Separation for  
Physical Disability

# Related Links

- U.S. Army Physical Disability Agency  
Homepage
- MyMEB Website