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Physical Disability Board of Review



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Physical Disability Board of Review (PDBR) Recovering Warrior Task Force



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Background

- **Congressional concern on how Military Departments were separating Wounded, ill and Injured Service members... perceived disparity among the Services**
 - Solution: Establish a DoD level board to reassess DoD disability ratings (USAF, USA, USN, USMC, & USCG)
- **2008 National Defense Authorization Act:**
 - Signed into law January 28, 2008
 - Directed OSD to establish the Physical Disability Board of Review (PDBR) to review disability determinations during period beginning on September 11, 2001 and ending on December 31, 2009, in all cases rated at 20% or less and found to be ineligible for retirement
- **Jan 2009 PDBR established; first case adjudicated in Jun 2009**
 - Secretary Air Force chosen as Executive Agent to operate board
 - Air Force established operations as a joint services organization under its Review board agency



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Why Does Air Force Operate the PDBR?



- **Secretary Air Force (SAF) Review Board Agency appointed Lead Component by Department of Defense**
 - DoD needed an entity with Military review board competency and organization
 - Air Force has least number of potential applicants
- **PDBR functions as a joint service entity**
 - Joint Collaborative Effort: Army, Navy, Air Force, Marines, Coast Guard and Reserve Components involved in the design of operating procedures
- **Funding for board operation on a pro rata, reimbursable basis**



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What Does PDBR Review?

From the DoD PDBR Policy Instruction (DODI 6040.44):

*“The PDBR is designed to reassess the accuracy and fairness of the combined disability ratings assigned Service members who were discharged ... with a **combined disability rating of 20 percent or less and were not found to be eligible for retirement**, and to recommend corrections where discrepancies and errors in such ratings exist.”*

*“Provisions of DoD, Military Department regulations or guidelines relied upon by the PEB **will not be considered by the PDBR to the extent they were inconsistent with the VASRD** in effect at the time of the adjudication.”*

The PDBR will review:

Medical conditions determined to be specifically unfitting for continued military service, as previously determined by the Military Department Physical Evaluation Board

Medical conditions identified but not determined to be unfitting by the either the Medical or Physical Evaluation Boards of the Military Department concerned



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The PDBR Intake and Review Process



- SAF Review Board Agency accepts applications centrally at its intake unit located at Randolph AFB, TX
- The Intake Unit acts as liaison with Military Dept Physical Evaluation Boards (PEB) and VA Regional Offices (VARO):
 - Military Department disability files/records collected from PEBs
 - Service Treatment Records and Compensation and Pension Exams collected from VAROs
 - Applicant case assembled and forwarded to PDBR
- Joint Service (and component) case adjudication occurs at PDBR
 - One Medical action officer sits on each board; concept similar to Military Dept. higher level appeal of Formal PEB findings
 - **If applicant is RC, then one board member must be RC**



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Important Considerations



- The PDBR cannot recommend lowering a previously standing disability determination
- The PDBR recommendation cannot be further appealed by the Veteran within the military review board system



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PDBR Recommends Correction



- Once an Applicant's case is reviewed by the PDBR:
 - The board makes recommendations and sends to the Military Department Designated Decision Authority (DDA) for final decision and correction of records (when appropriate)
- The DDA closes out each case:
 - By notifying Applicant and VA of final decision
 - By effecting service BCM/NR change of record, if applicable
 - By notifying Defense Finance and Accounting Service if change in pay/status is warranted



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DoD-VA Collaborative Outreach



- **Total PDBR Eligible Population 77,000**
- **Five mailings planned**
- **VA mailing #1 - May 12 (17.2K)**
 - 18% returned addresses (VA tracking correct addresses)
 - 8% application rate to the PDBR (similar to overall application rate prior to mailing) [less than anticipated]
- **VA mailing #2 - 6 Sep 13 11K (Delayed due to MHR)**
- **VA mailing #3 - 18 Oct 13 (11K)**
- **Anticipate future mailings every 8 weeks (VA dependent)**



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Metrics



■ PDBR Metrics (a/o 22 Oct 13)

- 6813: Total applications received (since Jan 2009)*
- 3808: Total adjudicated cases (27% re-characterized to retirement)
 - Army : 28%
 - Air Force : 28%
 - Navy/USMC : 23%
- 1600: Administratively closed
- 899: In records collection
- 540: Inventory
 - 17: Backlog (in JCAU more than 105 days)

* Some duplicate applications



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PDBR Recommendations to DDA (2012/2013)



	USAF	USN/USMC	USA	USCG	Totals	Percent
Remain Disability Separation	191/313	395/631	899/1818	10/13	1495/2775	64%/73%
Re-characterization to Retirement	85/119	169/191	600/718	1/5	855/1033	36%/27%
	31%/28%	30%/23%	40%/28%	9%/28%		
					Total	2350/3808

- Adoption Rates by service (12/13):
 - Army: 99% / 98%
 - Navy/USMC: 93% / 94%
 - Air Force: 100% / 100%
 - USCG: 100% / 100%

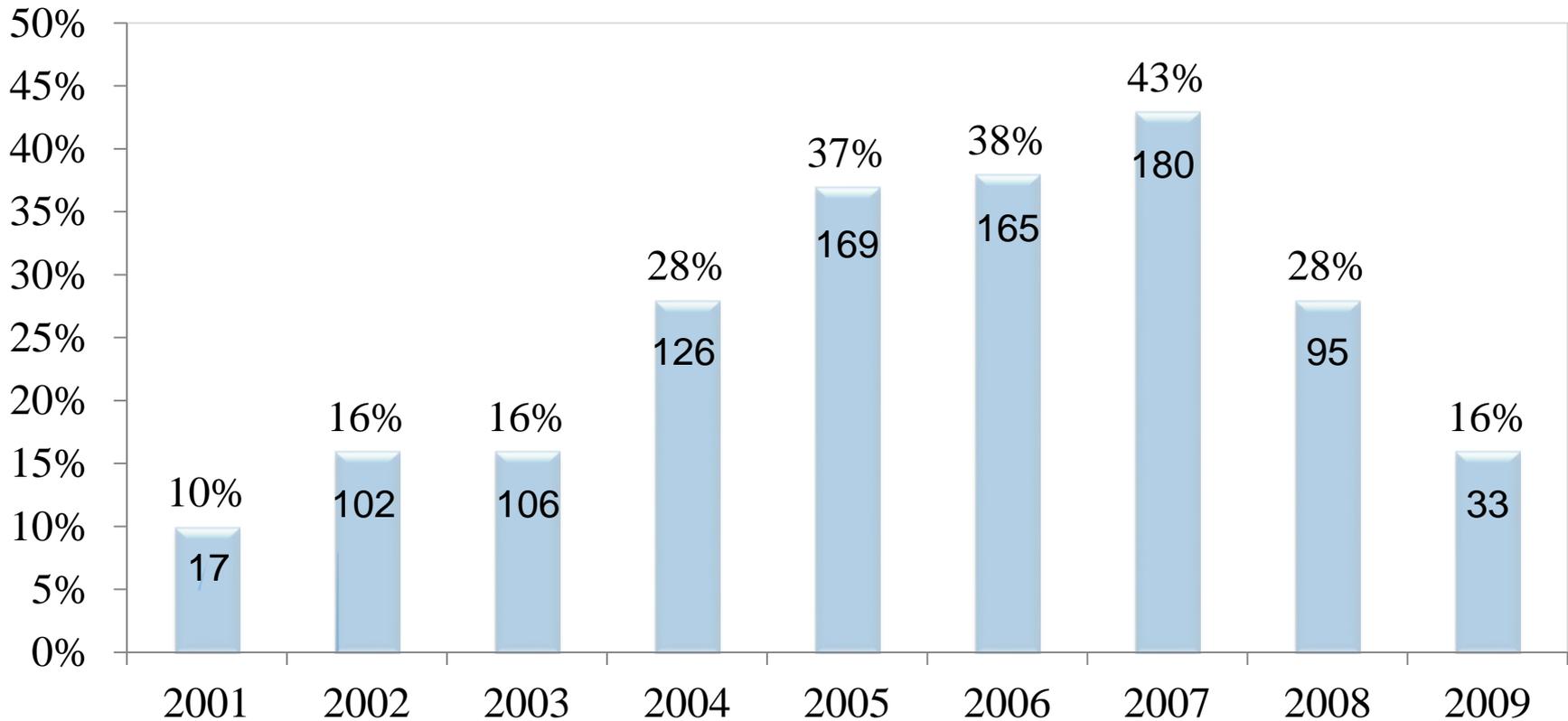


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PDBR Recommendation Metric



Recommendations for Re-characterization to Disability Retirement by Date of Separation Year-Group



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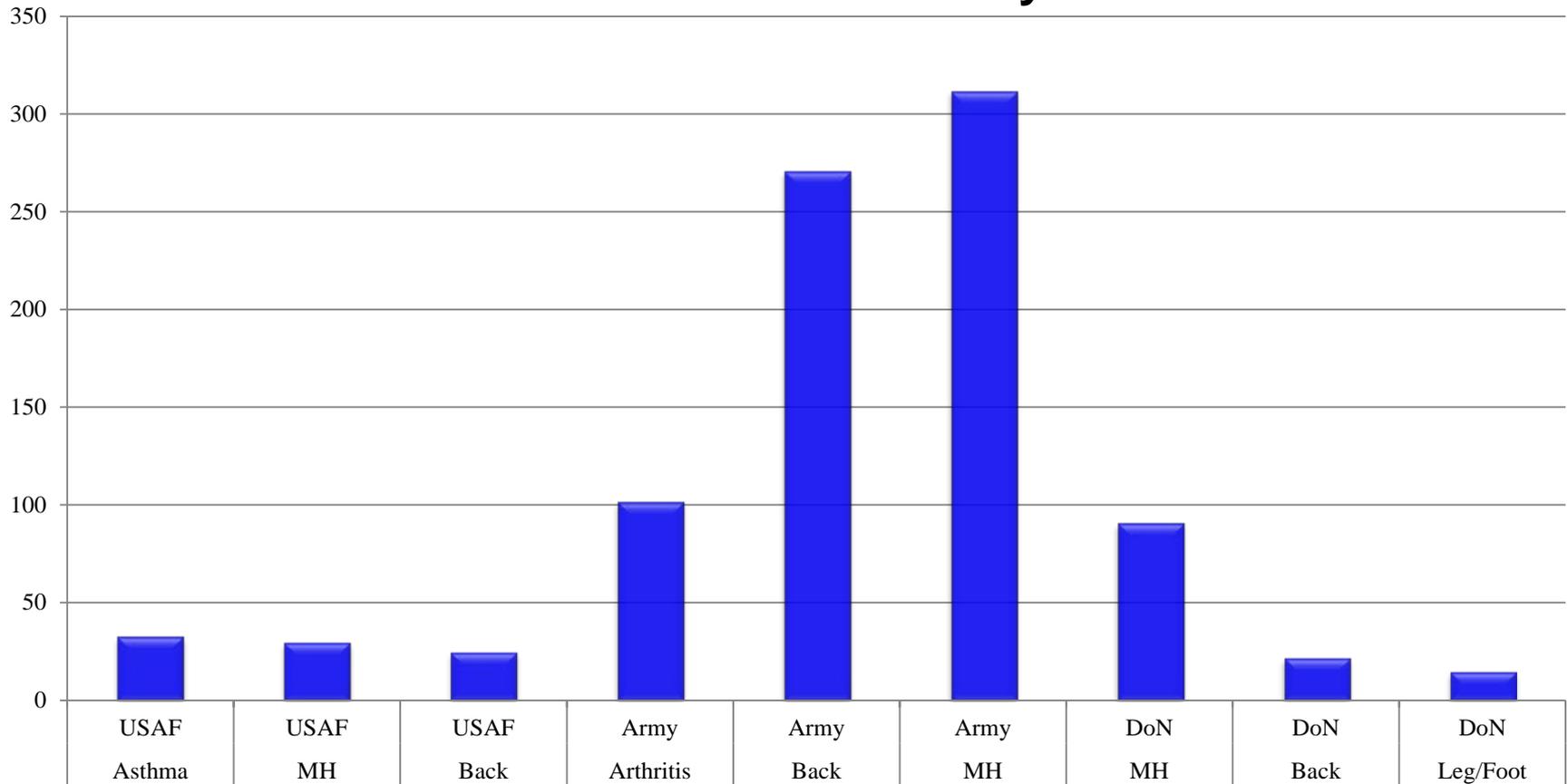


PDBR Recommendation Metric



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Top 3 Service Conditions for Re-characterization to Disability Retirement



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Mental Health Diagnosis Review Special Review Panel





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Background



- **June 13, 2012 – Sec Def commits to comprehensive review of service members who completed a Disability Evaluation System (DES) process and whose Mental Health (MH) diagnoses were changed to their possible disadvantage during that process**
- **Based in part on allegations that MH dx were modified in course of DES process and on Sec Army review**
- **Collaborative undertaking of PDDBR and Service Board for Correction of Military Records (BCMR)**
- **Mental Health Review Terms of Reference (TOR) establish boundaries for eligibility**



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TOR Criteria



- **Separation between September 11, 2001 and April 30, 2012**
 - May include cases still on Temporary Disability Retired List
- **Completed at least a Medical Evaluation Board (MEB)**
 - Evidenced by MEB decision form
- **Referred into DES with:**
 - PTSD AND diagnosis changed or eliminated
 - Anxiety or depressive disorder AND diagnosis changed to adjustment disorder or eliminated
- **Excluded:**
 - 100% Service disability rating
 - Case already appealed to PDBR or BCMR for Mental Health condition
 - Cases settled under the Sabo class action lawsuit



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MHR Applications



- **Services identified and mailed letters to eligible Service Members**
- 9180 total initial notifications/939 Applications Received
 - USA: 8898/908
 - USAF: 246/30
 - USMC: 20/1
 - USN: 16/0
- **Service member's application and records meet boards...no personal appearance**

PDBR Special Review Panel Will Review All Applications



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Questions?

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