I've requested a formal PEB hearing and to be represented by appointed military counsel. What should I do next?

Your PEBLO sends your election to the PEB who schedules your hearing date. Once scheduled, the PEB will send a copy of your case file to the Office of Soldiers' PEB Counsel (OSPEBC), who will then assign an attorney to represent you. The PEB must provide you and your attorney at least 10 days advance notice of your scheduled hearing date. While your case is at the formal PEB level, your SMEBC will continue to support your assigned SPEBC to ensure an efficient transition and will also remain available to assist until the final disposition of your case. We are one team with your best interests in mind.

How can the SPEBC attorney help me?

The SPEBC will review the case and contact you to discuss your concerns/goals. Your attorney will ensure you have the information necessary to make an informed decision and work diligently to help you achieve your desired outcome. Your SPEBC will help identify and gather relevant evidence and will advocate your case to the PEB. If you elect to personally appear, you will normally travel TDY to the PEB location two days prior to your hearing to complete preparation.

If I am unhappy with the decision by the PEB at the formal hearing, will my SPEBC assist with an appeal?

Yes. Your SPEBC will explain your appeal rights and offer you advice about whether an appeal is in your best interest. The attorney will help identify relevant evidence, draft the appeal and ensure it is submitted in a timely manner.

I am in the Integrated Disability Evaluation System (IDES) and do not object to the PEB decision. However, I believe my VA rating is too low. Can anyone help me fix that?

Yes. Depending on the status of the case, a SMEBC or SPEBC can help you appeal your VA rating. The rules are complex and there are time limits. You should consult with a SMEBC or SPEBC as soon as possible after you receive your VA ratings.

The PEB placed me on the Temporary Disability Retirement List (TDRL). Should I still consult with a SMEBC or SPEBC?

Yes. TDRL cases are required by law to be reevaluated every 6-18 months. This re-evaluation may be very brief and you need to be aware of important considerations before you begin on the TDRL. Also, you may be able to successfully challenge the decision to place you on temporary rather than permanent retirement. Your SMEBC/SPEBC attorney can provide you with information and advice about the TDRL review process and help you to obtain your desired outcome.

I am not located close to a SEMBC/SPEBC. Can I still receive assistance with my MEB or PEB case?

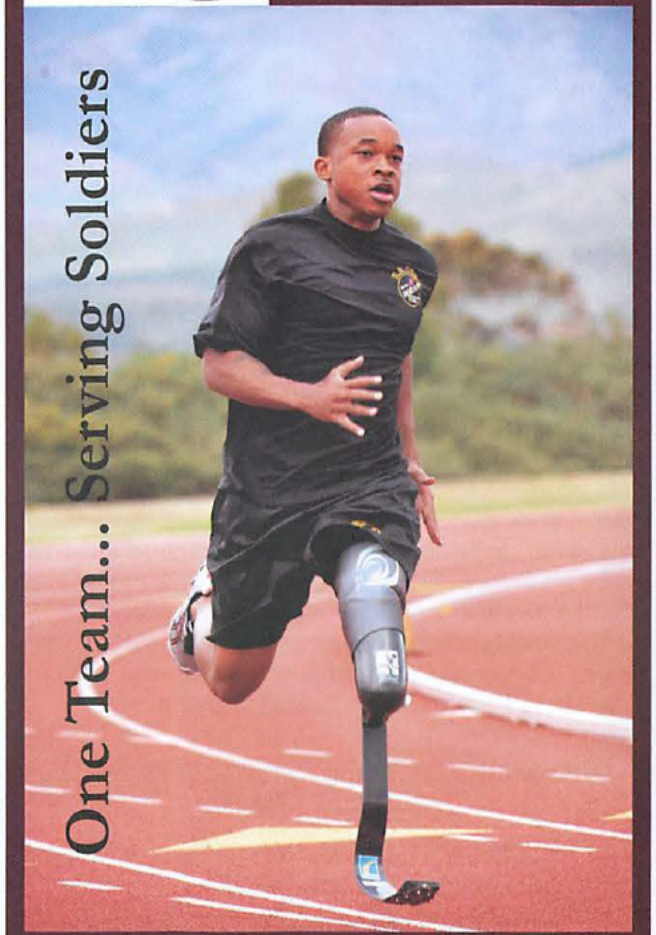
Yes. Regardless of where you are you can consult with Soldiers' MEB or PEB Counsel either in person, by video conference or by telephone. You can visit https://www.jagcnet.army.mil/otjagosc or check with your PEBLO for the name of the SMEBC nearest your location. You can also contact the regional Office of Soldiers' PEB Counsel for assistance. Please remember to have the key documentation available. For installations in the Eastern US & Europe, call (703) 325-2897; in the South, (210) 221-9392; and in the West/Pacific, (253) 968-4441.

Phone: (502) 624-2603
Bldg 853, IDES, Rm 121
(Ireland Ave and 192nd Tank Bn Rd Behind Hansen Ctr/IRACH)

Phone: (502) 624-4830

Bldg 853, IDES, Rm 119
Fax: (502) 624-2109
https://www.jagcnet.army.mil/otjagosc

SOLDIERS' MEDICAL EVALUATION BOARD AND PHYSICAL EVALUATION BOARD COUNSEL



NO SOLDIER LEFT BEHIND!

U.S. ARMY MEDICAL COMMAND and THE JUDGE ADVOCATE GENERAL'S CORPS

This brochure provides information regarding services provided by specially trained Army JAG Corps personnel to Soldiers during the Disability Evaluation System process (DES). Our legal team is made up of Army attorneys and paralegals, both uniformed and civilian, who can provide you and your family with information, advice and representation that will enable you to make informed decisions and fully participate in your Medical Evaluation Board (MEB) and Physical Evaluation Board (PEB).

I am going through the MEB process. Are there attorneys available to help me?

Yes. Qualified and trained Army attorneys and paralegals are available to assist Soldiers throughout the DES process, which includes the MEB and PEB stages. Soldiers' MEB Counsel (SMEBC) are available from the initiation of a MEB and are located at most Army installations. Soldiers' PEB Counsel (SPEBC) are generally located at one of three regional Offices (Crystal City, VA, Fort Sam Houston, TX and Joint Base Lewis-McChord, WA. Both work diligently to ensure Soldiers make fully informed decisions and then help Soldiers achieve their desired outcome. Information you provide to Soldiers' MEB and PEB Counsel is confidential. Their sole function is to advise and represent Soldiers. They are independent and do not advise the MEB, PEB, WTU, or your Command.

What can Soldiers' Medical Evaluation Board Counsel do for me?

Our legal team will ensure you are aware of your rights, options and possible outcomes to help you decide whether to fight to remain in the Army or pursue a medical separation with an appropriate disability rating. At the beginning of your MEB, we provide general advice and assist you in developing a strategy to reach your desired outcome. As you progress through the system, we provide more specific advice such as whether to request an independent medical review, appeal your MEB, or request a formal hearing before the PEB. If a formal PEB hearing is held, our SPEBC attorneys appear with you to represent you and advocate for your desired outcome.

How do I contact a Soldiers' MEB Counsel?

Contact information is located on the back of this brochure. Your Physical Evaluation Board Liaison Officer (PEBLO) can also provide you with the name and information for the local SMEBC. You may also contact the regional OSC or visit the OSC website at https://www.jagcnet.army.mil/otjagosc.

What can I do now that will help me later on in the process?

Your first step should be to contact your SMEBC to help you negotiate the very complex and confusing DES and make informed decisions at each stage of the process. You may want to begin collecting copies of important medical records and ask for a copy of your treatment notes after every appointment. Your PEBLO can assist you in obtaining your medical records and your SMEBC can help you identify key documents. You will be provided time and opportunity to consult with a SMEBC before you are required to sign any of the MEB documents. The election that you are asked to make at each stage of the process is very important and should not be taken lightly.

I want to be found fit and returned to duty. What can I do to help make that happen?

Talk to your doctor about changing your profile to a P2 or limiting the amount of restrictions imposed. Work with your chain of command and health care provider to allow you to perform as many of your Primary MOS duties as possible. If you cannot do so, perform duties or activities that are similar, within the limits of your profile. Additionally, check with your supervisor and doctor for permission to perform basic Soldier skills listed in Block 5 of your profile and take/pass an APFT or an alternate event APFT if possible.

Can my attorney make my doctor change the notes or Narrative Summary (NARSUM)?

No. Soldiers' MEB/PEB Counsel are not in the chain of supervision for Army doctors and cannot make health care providers change their medical opinions. However, there may be opportunities to correct certain entries and conclusions in your medical records and it is important you bring these issues to the attention of your attorney as early as possible.

I received my DA Form 3947 (Medical Board Proceedings) and do not know if I should agree with it. Can I see an attorney?

Yes. You should immediately contact your local SMEBC office to schedule an appointment because your time to reply is limited. Bring your records so the SMEBC can review them with you and discuss your options. The full meaning and impact of the MEB findings is often not readily apparent. If you decide to contest the MEB determinations, your SMEBC can assist you by drafting a request for an impartial physician to review the MEB, prepare a written rebuttal, or pursue another course of action.

My case was referred by the MEB to the PEB. I received a DA Form 199 (Results of Physical Evaluation Board Proceedings). If I disagree with the outcome, what can I do?

There are several potential actions a Soldier can take and all have significant implications for your future. SMEBC attorneys are fully trained to recognize the critical issues and help you make a wise and careful decision. Your time to consider and reply is limited so you should immediately contact your local SMEBC. Please be sure to bring your PEB decision (DA199), MEB findings (DA3947), permanent profile (DA3349) and your VA rating, if any. Your SMEBC will review the documents and your goals to help you determine the best course of action.