

**Memorandum**

**TO:** TDVA Veterans Claims Specialists, Veterans Benefit  
Representatives, County Service Officers

**FROM:** Don Samuels, Assistant Commissioner

**DATE:** April 1, 2011

**SUBJECT:** DOD Physical Disability Board of Review

**Please take the time to read the attached. If you have veterans in your office who were rated 30% or more by the VA within one year from discharge from military service and did not receive disability military retirement and served between 9/11/01 and 12/31/09 or received severance pay, you need to file for them.**

The Department of Defense (DoD) Physical Disability Board of Review (PDBR) - operated by Secretary of The Air Force has been in existence since Jan 2009, reviewing disability cases for Veterans (discharged between 9/11/01 and 12/31/09, with a 0, 10, or 20% combined disability) in order to determine if the individual should have been awarded a disability retirement (30% combined disability level or higher). Of the roughly 70,000 eligible Veterans just over 2,100 have applied to the PDBR as of March 2011. Of those who've applied, about 56% of cases have been recommended for re-characterization as permanent disability retirement.

DoD is actively engaged in an outreach campaign to get the word out about the existence of the PDBR to those eligible for review. Attached are Frequently Asked Questions about the PDBR for your information. To apply for review, go to the link below to DD form 294: the required application document which a Veteran must complete and send to the PDBR in order to initiate this review.

<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd0294.pdf>

In addition, the PDBR has a website where you can find more information:

[http://www.health.mil/About\\_MHS/Organizations/MHS\\_Offices\\_and\\_Programs/PDBR](http://www.health.mil/About_MHS/Organizations/MHS_Offices_and_Programs/PDBR).

Again, the purpose of this email is to inform you about this Board of Review with the hope that you would help and spread the word to assist Veterans in which this program is meant for through your websites, blog post/emails, monthly, quarterly or yearly publication or of course any means you wish.

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The National Resource Directory provides online support and access to over 10,000 services and resources. Please visit: [www.NationalResourceDirectory.gov](http://www.NationalResourceDirectory.gov).

## **Physical Disability Board of Review (PDBR)**

### ***WHAT IS THE PDBR?***

The Physical Disability Board of Review (PDBR) provides Veterans who were medically separated from their Military Service between September 11, 2001 and December 31, 2009, with the opportunity for review of their disability ratings to ensure fairness, consistency and accuracy. The PDBR was created by Congress as part of the *Dignified Treatment of Wounded Warriors Act of 2008*. Signed into law by President Bush on January 28, 2008, the PDBR began reviewing its first cases in June 2009.

### ***WHO CAN APPLY TO THE PDBR?***

To be eligible for PDBR review, a Veteran must have been medically separated between September 11, 2001 and December 31, 2009 with a combined disability rating of 20 percent or less, and not have been found eligible for retirement. Former reserve members with greater than 20 years of Total Federal Military Service yet with fewer than 20 years of Active Duty and who meet the criteria listed above are also eligible to apply. There are roughly 75,000 eligible Veterans who are eligible to apply to the PDBR under the stated criteria. As of December 2010, just over 2,000 Veterans have applied.

### ***HOW DOES THE PDBR OPERATE?***

The Department of Defense (DoD) designated the Air Force as the lead component to establish and operate the PDBR. The PDBR evaluates and reviews cases for all services (Army, Navy, Air Force, Marines, and Coast Guard) and their reserve components. Located in Arlington, VA, the PDBR is a true joint service board (and the only existing joint service disability evaluation and review board). Each case is jointly reviewed by representatives from three separate services (to include the service of the applicant). The PDBR examines each applicant's medical separation, compares DoD and Veteran's Administration (VA) ratings, and makes a recommendation to the respective Service Secretary (or their designee) as to whether or not the Secretary concerned should change a disability rating (which reflects a more accurate rating at the original time of separation) resulting in the Veteran's transfer to the Disability Retirement rolls. By law, the PDBR may not recommend a lower disability rating for any rating reviewed. All changes to disability ratings that are approved by the Service Secretary concerned will be backdated and effective the date of the original Physical Evaluation Board. The PDBR exclusively uses the Veterans Administration Schedule for Rating Disabilities (VASRD) as its adjudication guidance in reviewing unfitting conditions considered by the Disability Evaluation System [Medical Evaluation Board (MEB) and Physical Evaluation Board (PEB)]. If a particular condition was recognized and documented by the Service Department Disability Evaluation System, the PDBR will review it to ensure the Veteran was properly credited for physical ailments which may have caused the eventual medical separation of the Veteran. If a Veteran has a condition he/she feels should have been considered by his/her MEB or PEB, but it was not a part of his/her MEB or PEB, the avenue of redress is not through the PDBR; but instead through the Veteran's Board for Correction of Military/Naval Records (BCMR/NR).

Upon receipt of a Veteran's application, the PDBR will request copies of all applicable VA medical and rating documents as well as all Military Service Department Physical Evaluation Board related records, including the Veteran's Service Treatment Record (STR). The Veteran may submit any additional information pertinent to the request with his/her application. The review is records based only and no provision is made for a personal appearance by the Veteran or his/her representative.

### ***WHY SHOULD I APPLY TO THE PDBR?***

Since the PDBR began reviewing cases in June 2009, in more than 50% of cases, Veterans have had their original disability determination upgraded, resulting in a disability retirement for the Veteran. Although no guarantee of this re characterization rate can be made going forward, it is a good indicator of the

## Physical Disability Board of Review (PDBR)

degree of success applicants have had with the board up until now. If a Veteran is awarded a disability retirement as a result of the review process, it may not result in any *immediate* monetary gain by the Veteran (previously awarded payments from the VA and DoD as related to the original disability must be recouped by the government, prior to new payments being made; but this recoupment is made from the new monthly disability annuity payments going forward). Regardless, from the time of disability retirement award, the Veteran becomes eligible for all retirement benefits normally awarded military department retirees (health care, exchange, commissary, travel, etc).

Information about the PDBR, how to apply, including links to the application form (DD 294) is available at the following website:

[http://www.health.mil/About MHS/Organizations/MHS Offices and Programs/PDBR.aspx](http://www.health.mil/About_MHS/Organizations/MHS_Offices_and_Programs/PDBR.aspx)