

INFORMATION PAPER

JALS-OSC
1 December 2023

SUBJECT: Army Integrated Disability Evaluation System (IDES) Overview

- 1. References.** See appendix.
- 2. Purpose.** The purpose of this paper is to provide Soldiers with an overview of the DoD/VA Integrated Disability Evaluation System (IDES) process.
- 3. What Is the IDES?** The IDES is the joint DoD-VA process by which the DoD determines whether an ill or injured Soldier is medically unfit for continued Service and what benefits and compensation may be due upon the Soldier's separation or retirement due to unfitting duty-related conditions.
 - a. Stages of the IDES.** The IDES process comprises several stages: Referral to the IDES; VA Claims and Examination; Medical Evaluation Board (MEB) proceedings; Physical Evaluation Board (PEB) proceedings; and Final Disposition.
 - b. Roles of the VA and DoD.** Although the DoD and VA processes have been integrated, each plays a unique role.
 - (1) The VA will examine the Soldier's referred and claimed conditions through the Compensation and Pension (C&P) examinations. For each condition that the VA determines to be service-connected (*i.e.*, the condition arose while the Soldier was in a pay status), the VA will assign a disability rating using criteria outlined in the VA Schedule for Rating Disabilities (VASRD), found in Part 4 of Title 38, Code of Federal Regulations.
 - (2) The Army's MEB will determine whether each diagnosed condition meets or fails medical retention standards, as set out in AR 40-501. The PEB will review the VA evaluations and the MEB's findings to determine whether any of a Soldier's conditions, judged singularly and in combination, cause the Soldier to be unable to perform their duties at their rank and MOS. If the PEB finds one or more conditions make the Soldier unfit for continued service, they will adopt the corresponding VA disability rating for the unfitting condition.
 - (3) Thus, Soldiers undergoing the IDES can expect two separate disability ratings – one from the VA and one from the Army. The VA rating represents the combined disability rating for all service-connected conditions. The Army rating represents the combined disability rating for only the conditions that make the Soldier unfit for continued service.

4. Referral to the IDES. A physician will refer a Soldier to the IDES when the Soldier reaches the Medical Retention Determination Point (MRDP). A Soldier reaches the MRDP when they have one or more medical conditions that – individually or in combination – prevent them from reasonably performing the duties of their office, grade, rank, or rating (MOS/AOC-specific and basic Soldier skills). The physician will identify the condition(s) they believe disqualify the Soldier from continued Service.

a. Beginning. Referral is triggered and the IDES process begins for the Soldier when either one of the following two events occurs:

(1) P3/P4 Profile. The Soldier receives a permanent profile, DA Form 3349, with one or more P3/P4 determinations in any of the serial profile factors (i.e., PULHES).

(2) MAR2. A Military Occupational Specialty Administrative Retention Review (MAR2) evaluation determines the Soldier does not meet PMOS or AOC medical requirements and does not qualify for reclassification and/or branch transfer into a different PMOS or AOC due to the Soldier's medical limitations.

b. Claim Development. Upon referral to the IDES, the Military Treatment Facility (MTF) will assign a Physical Evaluation Board Liaison Officer (PEBLO) to assist the Soldier through the process.

(1) Assignment of PEBLO. The PEBLO is a DoD-assigned non-medical case manager who provides information, assistance, and case status updates to the Soldier throughout the IDES process. At the outset, the PEBLO will provide the Soldier with a general overview of the IDES process and will assemble the Soldier's IDES case file.

(2) VA Claim. Generally, the physician approving the Soldier's P3/P4 profile will initiate the VA Form 21-0819 (VA/DOD Joint Disability Evaluation Board Claim) by identifying the "referred" condition(s) that the provider believes is medically disqualifying. The VA will assign a Military Service Coordinator (MSC) to assist the Soldier in filling out the VA claim form, VA Form 28-019. It is at this time the Soldier will be asked to complete Section III of the form to claim (identify) additional medical conditions they want evaluated and considered in the IDES. The MSC will also arrange for the VA C&P exam appointments, based on the referred and claimed conditions.

(3) VA Compensation & Pension (C&P) Exams. The VA will assign qualified medical examiners to perform the Soldier's C&P exams in accordance with the VASRD and IDES requirements. These examinations provide the basis for the VA to determine disability ratings for the Soldier's medical conditions, referred and claimed, that are service connected.

5. MEB Proceedings. The MEB determines whether a Soldier's conditions meet medical retention standards under AR 40-501. The MEB will review the Soldier's medical records, physical profiling history, VA C&P exams, and a statement from the

Soldier's commander describing how the Soldier's conditions impact their ability to perform their duties.

a. Findings. The MEB will determine whether each claimed condition fails medical retention standards. For each condition that does, the MEB will determine whether the condition existed prior to service or was permanently aggravated by service. The Soldier will receive the MEB's findings on DA Form 3947, MEB Proceedings. The MEB will provide written justification for each of its determinations in an accompanying Narrative Summary (NARSUM).

b. Elections. Within 5 calendar days of receiving the DA Form 3947 (unless an extension is granted for good cause shown), the Soldier will sign the form and either accept the MEB findings, request an Impartial Medical Review (IMR), non-concur without requesting an IMR, or non-concur and submit a written rebuttal of the MEB findings. The Soldier will have 7 calendar days to submit a written rebuttal, starting from the time they received IMR results or, if they did not request an IMR, from the time they submitted their signed DA Form 3947.

c. Transfer to PEB. Once the Soldier has submitted their signed DA Form 3947 and any IMR requests or written rebuttals have been appropriately addressed by the MEB, the case file will be transmitted to the PEB for adjudication.

6. PEB Proceedings. The PEB determines a Soldier's fitness for duty. The PEB also makes certain administrative determinations, such as whether any unfitting condition is combat-related (the direct result of armed conflict, an instrumentality of war, hazardous duty, or combat-simulated training).

a. Findings. All cases will receive initial adjudication by an Informal PEB (IPEB), which conducts a review of the case file and makes an initial determination on the Soldier's fitness for continued service without the Soldier being present. The IPEB will issue its findings using DA Form 199, Informal PEB Proceedings. The IPEB's findings will address the following: whether any medical conditions, individually or collectively, cause the Soldier to be unfit for continued service; whether the unfitting conditions are service connected; whether the unfitting conditions are permanent and stable; and whether the unfitting conditions are combat-related.

(1) Standard of Proof. The PEB will find a medical condition to be unfitting when the preponderance of the evidence establishes that the condition renders the Soldier unable to reasonably perform the duties of their office, grade, rank, or rating.

(2) Ratings. The DA Form 199 will also assign a combined disability rating for the Soldier's unfitting conditions, derived from the VA disability ratings for those same conditions.

b. Elections. Within 6 calendar days of receiving the DA Form 199 (unless an extension is granted for good cause shown), the Soldier will sign the DA Form 199 and

either accept the IPEB findings, non-concur and submit a written appeal, or request a formal PEB (FPEB) hearing. (Note: The DoD has reduced the election time window from 10 calendar days to 6; as of this writing, AR 635-40 has not been revised to reflect this change.)

c. **Formal Hearing.** By federal law, a Soldier may not be retired or separated for disability without a full and fair hearing if they demand it. Soldiers who are determined fit by the IPEB may also request a FPEB, though the Army is not required to grant that request. The FPEB will consider all of the findings and determinations made by the IPEB, regardless of whether the Soldier raised the issue in an appeal.

7. Final Disposition. The FPEB will issue their decision on a DA Form 199-1. The Soldier then has 6 duty days from receipt of the DA Form 199-1 to either concur or non-concur. They may also submit a written appeal. The case will then be reviewed by the U.S. Army Physical Disability Agency (USAPDA), who will approve the FPEB's decision, modify it, or return it to the PEB for further adjudication. Final disposition occurs when the USAPDA approves or modifies the decision. The options for final disposition are as follows:

- a. **Permanent Disability Retirement (PDR).** A Soldier will receive PDR when the Soldier is determined unfit when the compensable disability(ies) is(are) determined to be permanent and stable and the Soldier has a combined Army rating of at least 30% *or* the Soldier has at least 20 years of Service.
- b. **Temporary Disability Retirement List (TDRL).** A Soldier may be placed on the TDRL when they have one or more unfitting disabilities that are determined to not be permanent and stable and the other requirements of permanent disability retirement are otherwise met.
- c. **Separation with Disability Severance Pay (SWSP).** A Soldier will receive a medical separation with disability severance pay when the PEB determines that the Soldier is unfit due to a compensable disability(ies), but the Army rating is less than 30% and the Soldier has fewer than 20 years of service.
- d. **Separation without Disability Benefits (SWOB).** A Soldier will receive a medical separation without disability benefits when the PEB determines the Soldier is unfit for duty but the unfitting medical condition(s) are not service connected (*i.e.*, the condition(s) existed prior to service and was (were) not permanently aggravated during service, or incurred in an excess leave status, or was due to misconduct or willful negligence).
- e. **Fit for Duty.** When the PEB finds a Soldier physically fit for continued service, the Soldier will be returned to duty.

8. Legal Assistance. Licensed government attorneys with the Office of Soldiers' Counsel (OSC) can provide information, legal advice, and representation throughout the IDES process at no cost to the Soldier.

a. Soldiers' MEB Counsel (SMEBC). After the Soldier receives their DA Form 3947 and NARSUM, SMEBC are available to provide individualized legal advice and support to Soldiers. The SMEBC can assist with requests for an IMR, submission of an MEB rebuttal, submission of a written IPEB appeal, and an election for a FPEB hearing.

b. Soldiers' PEB Counsel (SPEBC). Upon election for a formal PEB hearing, SPEBC are assigned to represent Soldiers for the FPEB hearing and any appeals. The SPEBC will help the Soldier identify, gather, and present evidence to the FPEB.

c. Assistance with VA Rating Reconsideration (VARR). A Soldier who disagrees with the VA's rating for an unfitting condition may submit a one-time request for reconsideration of that rating to the VA. If the VA changes the rating, the Army will adopt the new rating for disposition purposes. Either SMEBC or SPEBC can assist a Soldier with a VARR request.

9. IDES Disability Compensation. A Soldier found unfit due to one or more compensable disabilities will be eligible for the following:

a. Separation with Severance Pay (SWSP). Soldiers separated with severance pay will receive a one-time lump sum payment from the DoD equal to 2 times their monthly base pay times the number of years of service. The calculation uses a minimum of 3 years of service and if an unfitting condition was found to be combat-related, it will be no less than 6 years of service.

b. Disability Retirement. A Soldier will be entitled to disability retirement pay as follows:

(1) Calculation of Retired Pay. The Soldier will receive the higher of their Army disability rating or longevity retirement (*i.e.*, multiply 2.5% by the years of active Service, or equivalent). For Soldiers placed on the TDRL, the DoD will apply a minimum disability rating of 50% for payment purposes while on the TDRL.

(2) VA Offset. The law prohibits Service members from receiving disability compensation from the DoD and the VA for the same disability at the same time. In general, the amount a Soldier receives from the VA for disability will be deducted from their disability retirement from the Army. In practice, this means Soldiers typically receive monthly payments from the VA and from DFAS.

c. Concurrent Retirement and Disability Pay (CRDP). There is a limited exception to the VA offset rule: a Soldier may receive both military retirement pay and VA Disability Compensation, at the same time, when the Soldier has completed 20 years or more of service, and has a combined VA disability rating of at least 50%. The amount received

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for military retirement is calculated based on longevity and not by the Army's disability rating. More information can be found at the Defense Finance and Accounting Service (DFAS) website, at <https://www.dfas.mil/retiredmilitary/disability/crdp/>.

d. Combat-Related Special Compensation (CRSC). The CRSC program entitles a retired Soldier to a limited exception to the VA offset rule for disabilities found to be related to combat. This is a very technical area and is addressed in a separate information paper. More information can also be found on HRC's website, [https://www.hrc.army.mil/content/CRSC%20\(Combat-Related%20Special%20Compensation\).](https://www.hrc.army.mil/content/CRSC%20(Combat-Related%20Special%20Compensation).)

10. This Information Paper is provided as a service to Soldiers in the IDES and is intended as general information only. It is not a substitute for legal advice. OSC attorneys are available to provide specific and individualized legal advice to Soldiers in the IDES. Contact your local OSC for more information. If you do not know how to reach your local OSC, please contact your PEBLO or see the OSC website for contact information at <https://www.jagcnet.army.mil/Sites/OSC.nsf>.

REFERENCES

Title 10, United States Code, sections 1074 and 1074a and chapter 61

Title 38, Code of Federal Regulations, Part 4 (VA Schedule for Rating Disabilities)

DoD Instruction (DoDI) 1332.18 (Disability Evaluation System (DES)), 10 November 2022

DoDI 6130.03, Volume 2 (Medical Standards for Military Service: Retention), September 4, 2020

DoD Manual (DoDM) 1332.18, Volume 1 (Disability Evaluation System Manual: Processes), February 24, 2023

Army Directive 2021-05 (Integrated Disability Evaluation System), 16 March 2021

Army Regulation (AR) 40-501 (Standards of Medical Fitness), 27 June 2019

AR 635-40 (Disability Evaluation for Retention, Retirement, or Separation), 19 January 2017

Department of the Army Pamphlet (DA PAM) 635-40 (Procedures for Disability Evaluation for Retention, Retirement, or Separation), 12 January 2017

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