

Seizing IDES Success

A VISUAL GUIDE TO THE INTEGRATED DISABILITY EVALUATION SYSTEM

Joel Pettit, ESQ

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Meet Joel Pettit

Joel L. Pettit is a former Marine Corps Judge Advocate and solo practitioner based in Washington, DC, specializing in all phases of the Integrated Disability Evaluation System (IDES). He has advised or represented over 1000 Service members and veterans during Informal and Formal Physical Evaluation Boards (IPEB and FPEB, respectively), post-FPEB appeals, and VA appeals.

Additionally, Joel assists Service members with everything from Medical Evaluation Boards (MEB) and military record corrections to Medical Readiness Reviews (MRR), Line of Duty (LOD) issues, and veteran disability appeals. Joel has the depth of experience to tackle any issue related to the IDES.

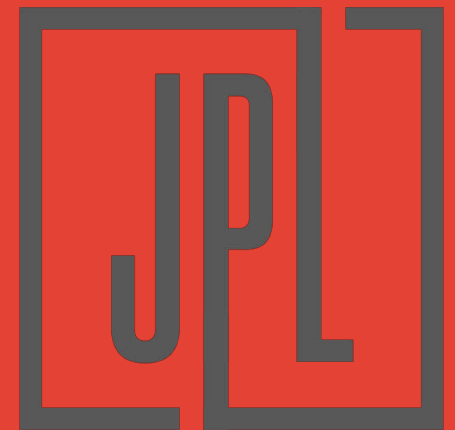
Between Joel's Marine Corps career and his most recent FPEB position, Joel served as a Counterespionage and Counterintelligence Special Advisor with the FBI and as a healthcare executive at DaVita Kidney Care in Houston, TX.

Joel is a graduate of the University of California Los Angeles and holds a Bachelor of Arts degree in History, and a Master of Business degree from Northwestern University's Kellogg School of Management, with focuses on Finance, Accounting and Economics. He received his Juris Doctor, from Washington University in St Louis School of Law.

What We Do

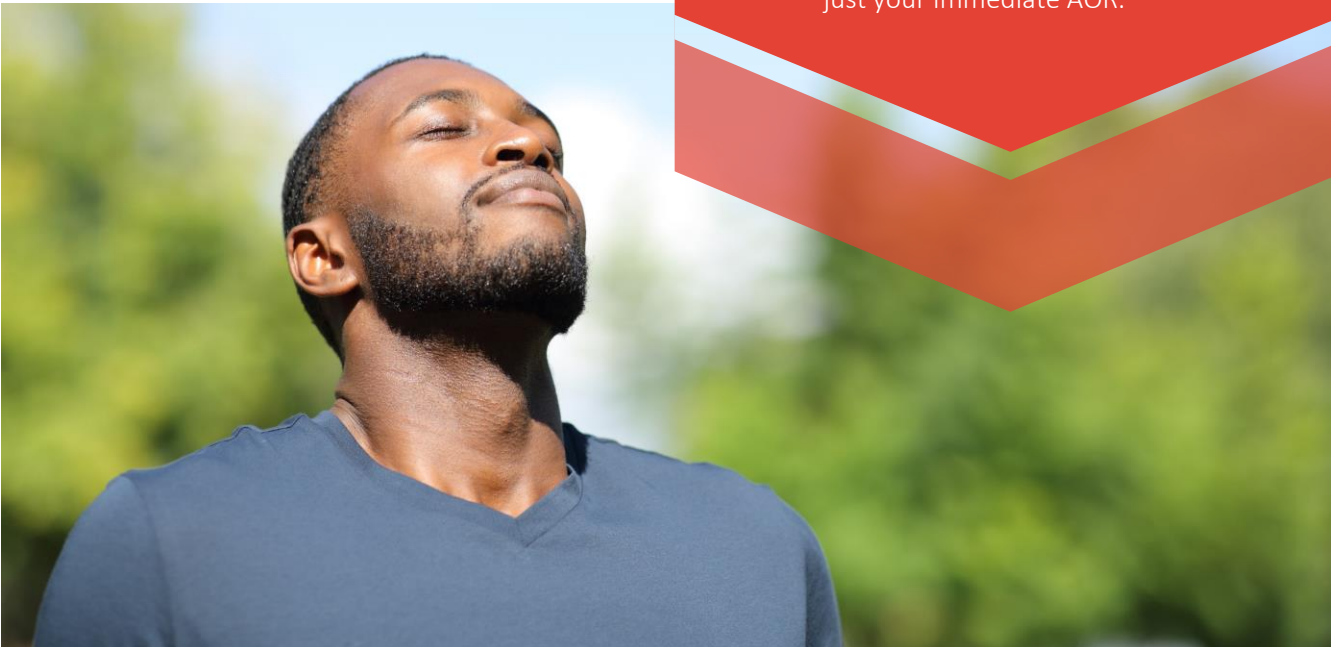
- PEB Advisory
- MEB Advisory
- Informal PEB Advisory and Appeals
- Formal PEB Hearings and Appeals
- Post Formal PEB Appeals
- TDRL Advisory, Strategy, Hearings, and Appeals
- CRSC Submissions
- Limited Duty Appeals
- Permanent Limited Duty
- Medical Retention Review
- Line of Duty Investigations
- Line of Duty Benefits for DES
- VA Disability Appeals and Exams
- VA Reconsideration Requests
- BCMR/BCNR Advisory and Submissions
- Correcting Military Records Appeals

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Learning About the IDES Takes Time, Patience, and Dedication

Unlike other areas of law, military disability law is at the intersection of administrative law, regulatory law, and military justice. The confluence of this diverse set of rules produces a highly dynamic and challenging environment in which to advise clients. From an outsider's perspective, the Integrated Disability Evaluation System (IDES) most closely resembles the Circumlocution Office in Charles Dickens' *Little Dorrit*. Yes, it can be, not just feel like, an administrative quagmire from which there is no safe escape. There are rarely any easy answers, and there is never a shortage of rabbit holes to follow. Put simply, the IDES is a high-stakes maze, requiring not only logical thinking, but also keen observation of human behavior to anticipate the PEB's ever-evolving outlook.



WHY HIRE PRIVATE COUNSEL?

- Time: Service members joke about the “hurry up and wait” nature of the military. The IDES is no exception. The difference is the IDES results can determine your future. Waiting until the last minute to be assigned overworked government counsel is not optimal.
- Expertise: Very few government counsel have ever worked outside their narrow lane within the IDES, because that is the system's design. Many private counsel, have the depth of experience, and resulting expertise, needed to advise clients across the IDES landscape. Strategy requires knowing more than just your immediate AOR.



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Sadly, there are always administrators, analysts, assistants, Service members, and attorneys who think the IDES can be mastered by merely poring over each military department's regulations. This is a good starting point, of course; but there are many nuances that are unlike other areas of law.

For instance, no other area of law employs adjudicators that are so heavily influenced by the culture of that area of law. Why? Most areas of law don't have a culture. This is the polar opposite in the IDES. In point of fact, the [Navy's MILPERSMAN 1910-168](#) states, “. . . members who inquire relative to the advisability of requesting a hearing should be so advised and discouraged from requesting a hearing due to the time and expense involved.” This one quote speaks volumes about the uphill battle Service members face in the IDES.

Joel Pettit founded JPL because he saw this type of blatant hostility toward Service members left unchecked. Too many clients go underrepresented by government counsel because of staffing issues. JPL strives to assist those clients who not just want higher quality legal representation, but also need a higher level of legal expertise than can be offered by government counsel.

JPL's goal is to provide our clients with peace of mind. No matter what a client's goal(s) may be, we want them to feel that hiring JPL lightened their burden so they can get back to living life not overshadowed by the IDES.

The IDES Abyss

It is imperative that Service members know the process to navigate it successfully. This does not mean being an expert. It simply means knowing what the next step or two could be. Every adult knows that nothing in this world unfolds exactly as logic dictates. Most of the time, however, we can at least recognize those points in the series of events that require our time and attention. The IDES has so many facets it is impossible to read a pamphlet or a DoD Instruction and know the process back to front. No matter what anyone tells you, no one is plotting against any Service member in the IDES. The fact of the matter is thousands of IDES cases are processed each year, and sometimes people drop the ball. No matter where you are in life, you will have to deal with these people. The IDES is no different. It is not quite a raging dumpster fire, but it's also not far from it. Remember, there is no substitute for active participation and inquiry. Anyone keeping Service members in the dark is wrong.

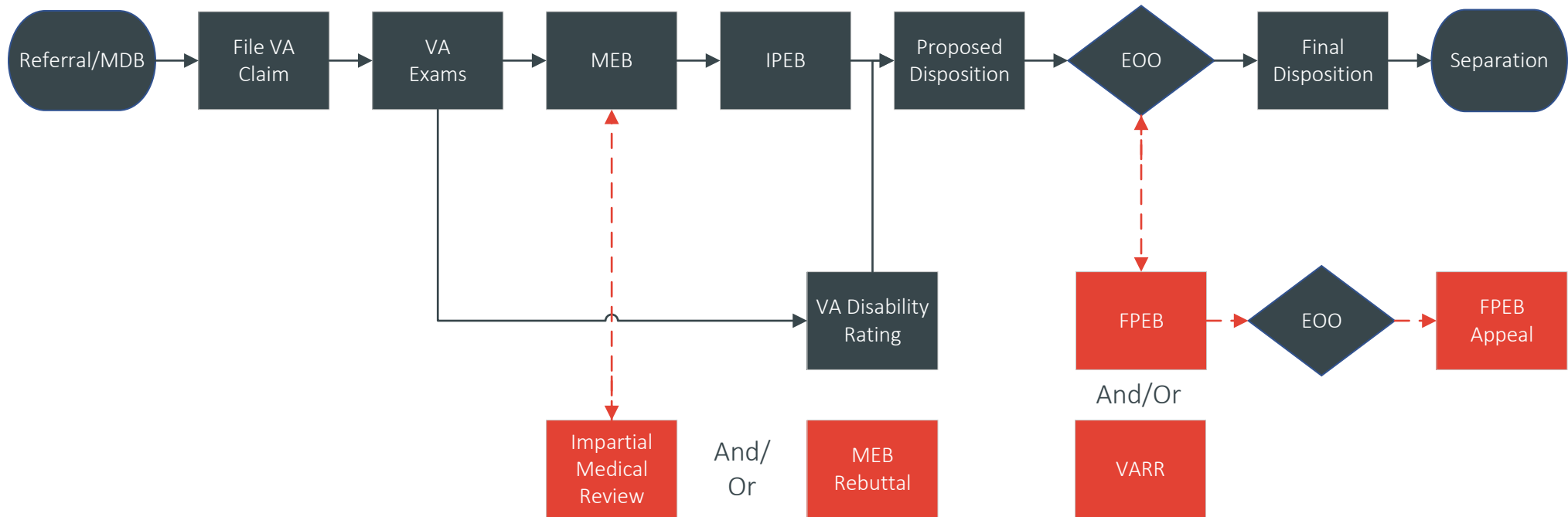


Not Knowing Where
You're Going is the Best
Way to End Up
Somewhere You Don't
Want to Be

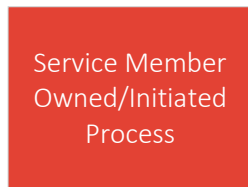
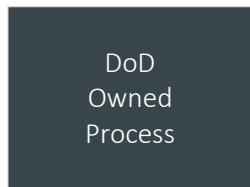
DODI 1332.18
SECNAVINST 1850.4F
AR 635-40
AF 36-3212
COMDTINST M6000.1 (SERIES)



Integrated Disability Evaluation System (IDES) Flowchart



Legend



The PEB is not Just Another Part in the IDES

Treating the PEB like it's merely a mundane phase in a seemingly endless administrative maze is a mistake you cannot afford to make. There is a reason Service members have the right to multiple appeals: it's a complex process with life altering effects.

The Informal PEB (IPEB) is the first time a Service member's entire physical state will be judged. It is, effectively, the result of all the months of medical and functional analyses thus far. The strict timelines for accepting or rebutting/appealing the IPEB results only make sense if Service members appreciate all the steps/opportunities that could unfold after the IPEB.

The PEB process can change Service members' lives. Don't be a bystander in your own case.



WHY HIRE JPL?

- Unparalleled Experience: Joel Pettit is the only private attorney who has been an active-duty IPEB & FPEB counsel; a Federal civilian attorney at FPEB in DC; and a TDRL Unit attorney.
- Proactive Problem Solving: We understand that time and resource constraints handcuff government counsel to simply putting out fires. JPL practices what we preach: we look forward in the process, then reason backward to ensure we don't miss any opportunities in your case. Strategic thinking is the cornerstone of JPL's practice.



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The Formal PEB (FPEB) is No Laughing Matter

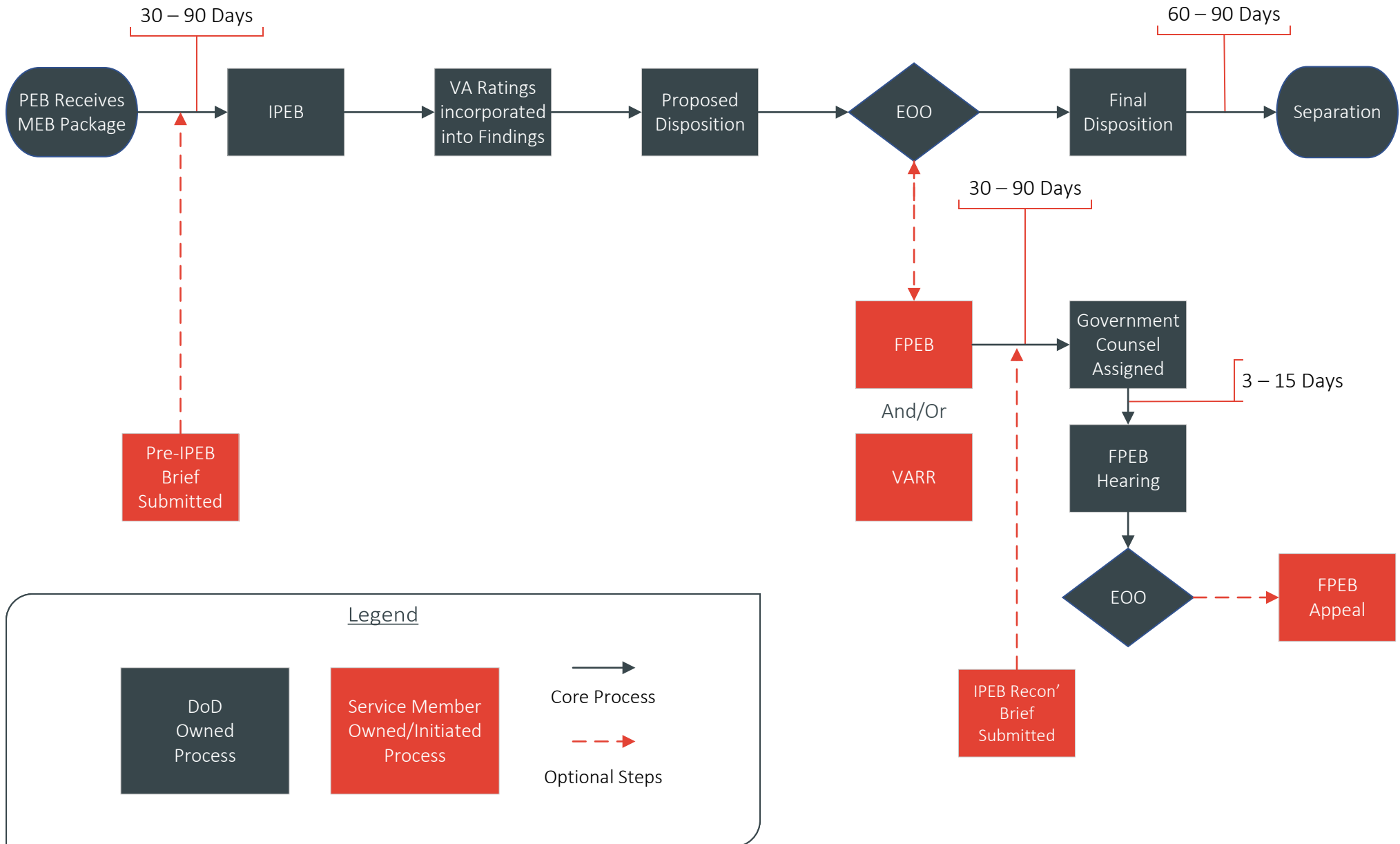
Preparing for an FPEB really starts with understanding the IPEB. After all, Service members are appealing their IPEB results, be they factual or legal. Further, appreciating the wait times for receiving government counsel, the amount of time members get to work with that person, and all the legal/factual issues arising from the IPEB are crucial to FPEB success.

The flowchart on the next page gives approximate time estimates so Service members can consider just how long they may be without qualified counsel, preparing for the hearing or brief that may have life-altering consequences.

Hiring experienced counsel 6 to 10 weeks before your hearing is a huge advantage in every facet of the FPEB hearing.



Physical Evaluation Board (PEB) Flowchart



The TDRL Trek

Many Service members are told the DoD will lower their disability percentage on TDRL. This is not true: it all depends on the facts of each case. With very few exceptions, placement on the TDRL depends on the stability of the condition(s) for which a Service member is found unfit. This is precisely why Service members with mental health conditions are routinely placed on the TDRL. This does not mean, however, that every Service member with a mental health condition will be placed on TDRL.

Understanding the TDRL regulations can be complicated, so we made it into a flowchart. A picture's worth a thousand words.

Once on the TDRL, the process can feel like wandering in the dark. Worse, 'TDRL dark' cannot be overcome by telling oneself that there's nothing to be afraid of; the fear of losing a military retirement and its healthcare associated is a very real and reasonable fear.

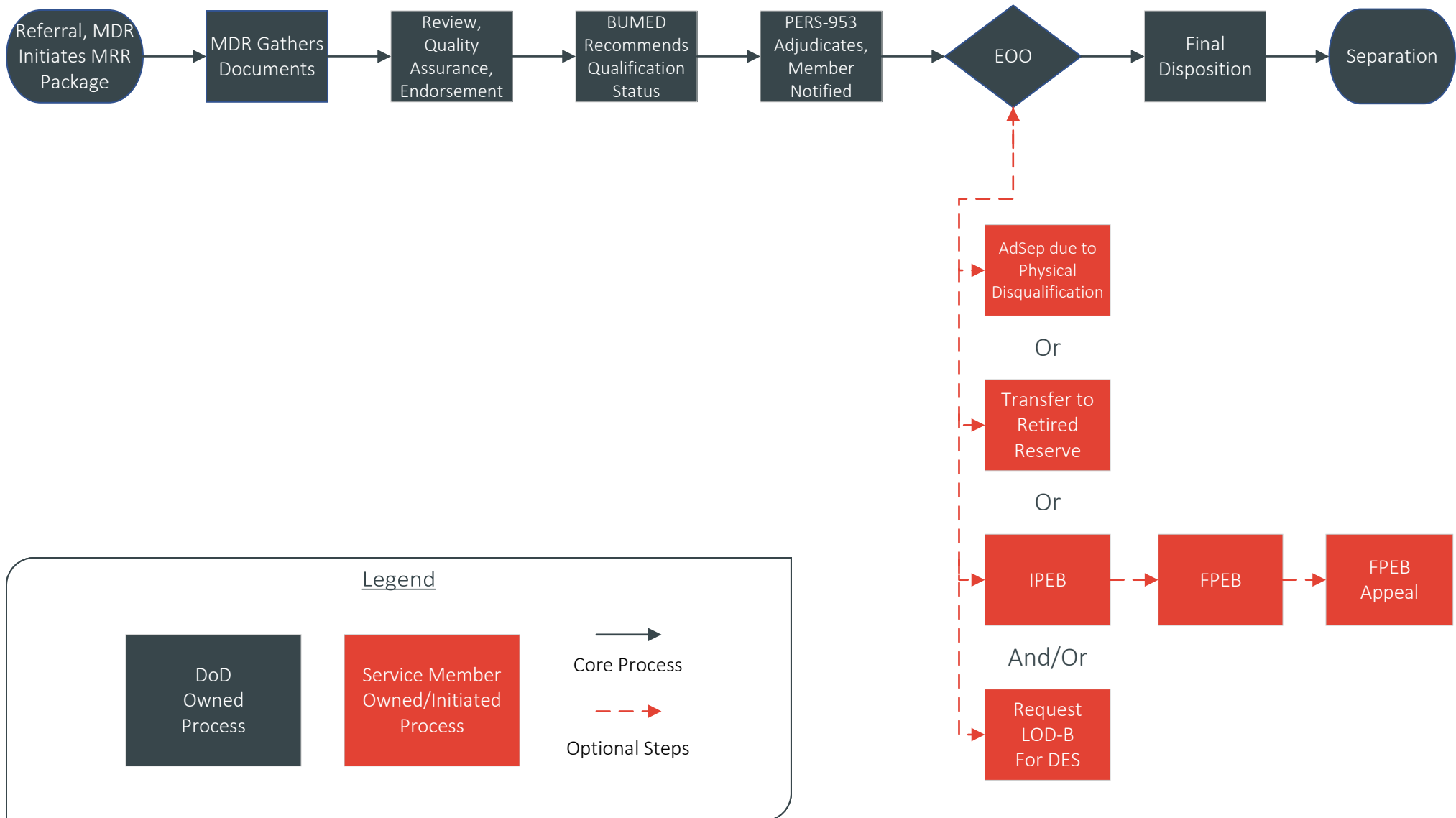


The thing that frightens us most in a situation is, almost always, the unknown aspect of it. The moment it becomes known and familiar to us, fear and tension disappear

DODI 1332.18
SECNAVINST 1850.4F
AR 40-501
AF 36-3212
COMDTINST M1850.2D



Medical Retention Review (MRR) Flowchart



Traversing the MRR is Like Crossing the Sahara Without a Compass

Search the internet for “MRR attorney” and you’ll be shocked at how few results you find. Worse yet, you’ll be horrified with how few of those ‘qualified’ attorneys can describe the process.

The MRR process, on its face, isn’t complicated. What complicates it are the processes that appear to be outside the realm of the MRR, PEB, or IDES, yet still significantly affect impact Service members.

Kowing how a Service member goes from the MRR, to being Physically Qualified, to submitting an LOD-B package, then to the IDES is a very rare and technical thing.



WHY HIRE JPL?

- Preparing the Battlefield: Although some military branches give Service members access to legal counsel sporadically during the IDES process, this is a poor substitute for a dedicated legal advisor who works with you to create a holistic, case-specific legal strategy, and who is conveniently available to answer the myriad of questions that are sure to arise.
- Focused Attention: Unlike government counsel, we limit our caseload so we can thoroughly review your medical records, strategically gather evidence, seek specialized medical testing, and create a case presentation plan to optimize our overall case strategy. JPL is focused on providing quality legal representation and advice, period!



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The MRR’s Rules Leave No Room for Error

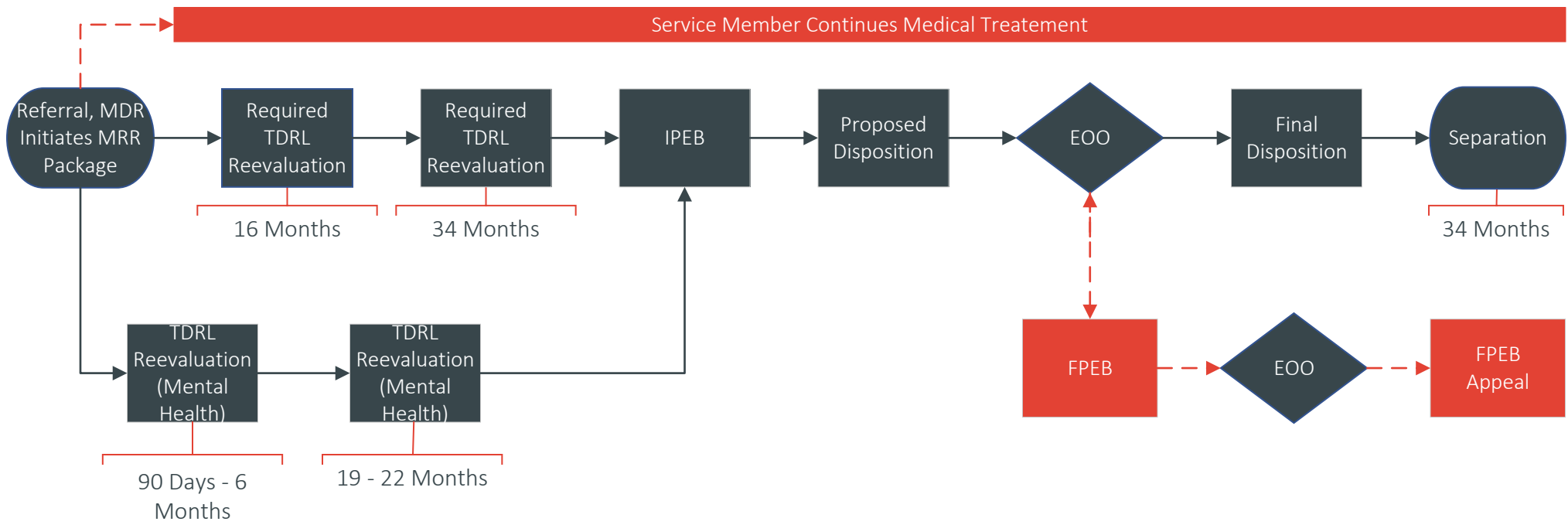
Too many of our clients learn too late just how draconian the MRR’s consequences can be. Most are shocked that there is no Permanent Limited Duty option. Therefore, a Navy or Marine Reservist with 18 ‘good years’ can be separated without benefits of any kind.

More amazingly, [MILPERSMAN 1910-168](#) states, “. . . members who inquire relative to the advisability of requesting a hearing should be so advised and discouraged from requesting a hearing due to the time and expense involved.” Dispicable! This is why JPL takes MRR cases so seriously.

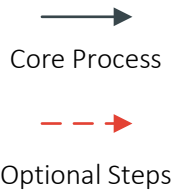
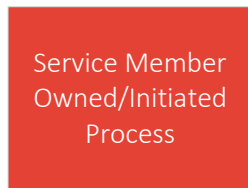
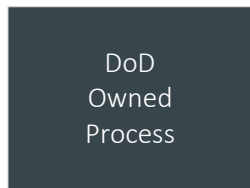
SECNAV M-1850.1
MILPERSMAN 1910-168
RESPERSMAN 6000-010
MILPERSMAN 6110-020



Temporary Disability Retirement List (TDRL) Flowchart



Legend



CRSC Calculations: YIKES!

The key to moving through the CRSC application process confidently is knowing there the compensation will be a positive gain. Otherwise, there a CRSC application is a total waste of time. Before collecting medical evidence, having people write statements, or reaching out to an attorney for assistance, you need to understand if the juice will be worth the squeeze.

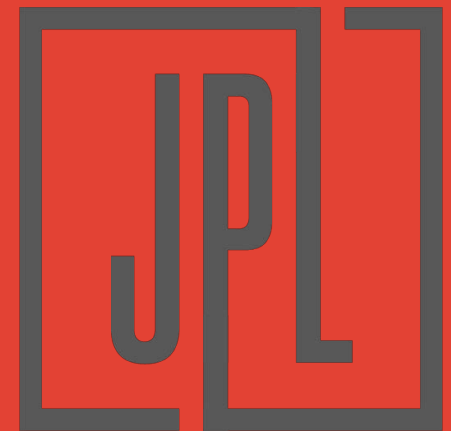
IDES and PEB forums are plagued with a repeated question: what will my pay look like after I get my CRSC award? You would think this would be easy to answer, but the calculations can be quite difficult and confusing. To start Service members on the right foot, JPL has created this flowchart showing the steps needed to calculate a CRSC award. Keep in mind, these are just the steps needed, not the calculations. Service members should use every resource provided to obtain the most accurate information possible.

DFAS exists to calculate pay related items. They exist for Service members. Use them.

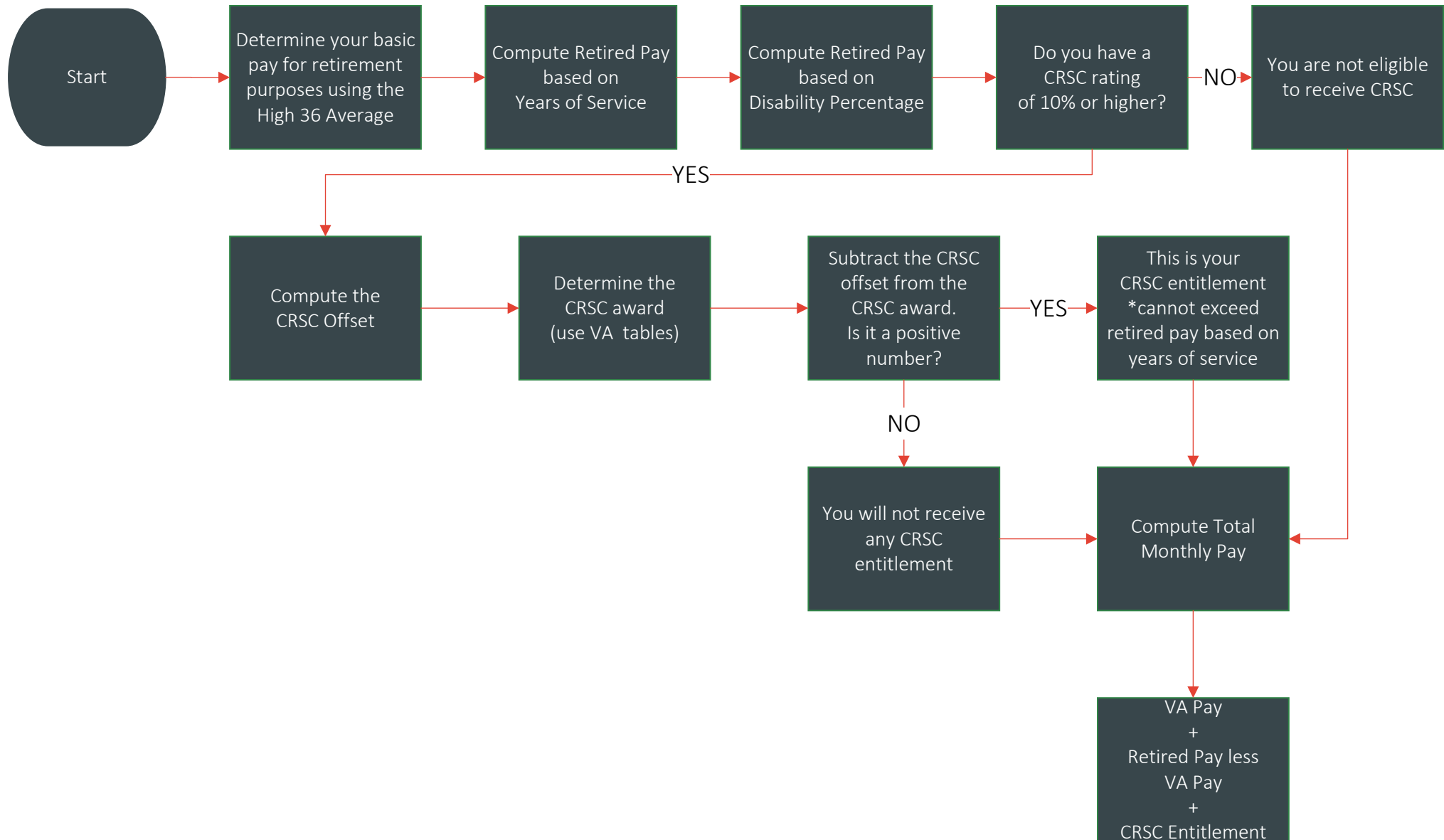


The Defense Finance and Accounting Service (DFAS) exists for two reasons: to make calculations and pay Service members. Use them!

[DFAS: CRSC INFO](#)
[DFAS: APPLY FOR CRSC](#)
[DFAS: CRSC FAQs](#)



Combat Related Special Compensation (CRSC) Flowchart



Correcting Military Records isn't as Easy as it Appears

You'd be surprised how difficult it is to correct military records. The common misconception is that all it takes is to submit a DD Form 149, accompanied by the evidence the Service member will rely upon to prove the current record is incorrect. For what seems to be a clear-cut case to the Service member may be an extremely complex case to the BCMR. Why?

It's simply that there is a massive information gap between the parties. Like all humans, Service members unconsciously incorporate their memories and understandings into their BCMR applications. Of course, this is troublesome for the BCMR, who doesn't have access to this data.

WHY HIRE JPL?

- Creating Your Path Forward: Hiring JPL means focusing on the vital issues in your case, enabling you to make better decisions about not only your present situation, but also about your future. Whether you're single, dating, married, divorced, or anything between, our goal at JPL is to lighten the burden so you can focus on moving forward to a better tomorrow.
- Integrated Planning: We create case strategies focused on not only legal issues, but also administrative and operational matters that can significantly affect cases. A holistic strategy enables us to achieve better results, and allows us to consider and plan for the potential long-term effects of near-term decisions.



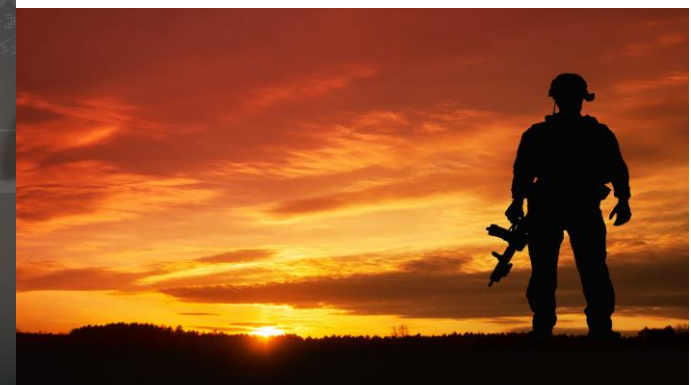
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This is why it's critical to capitalize on the DD form 149, Sections 12 and 14: why the correction and relief sought why the correction should be made, respectively.

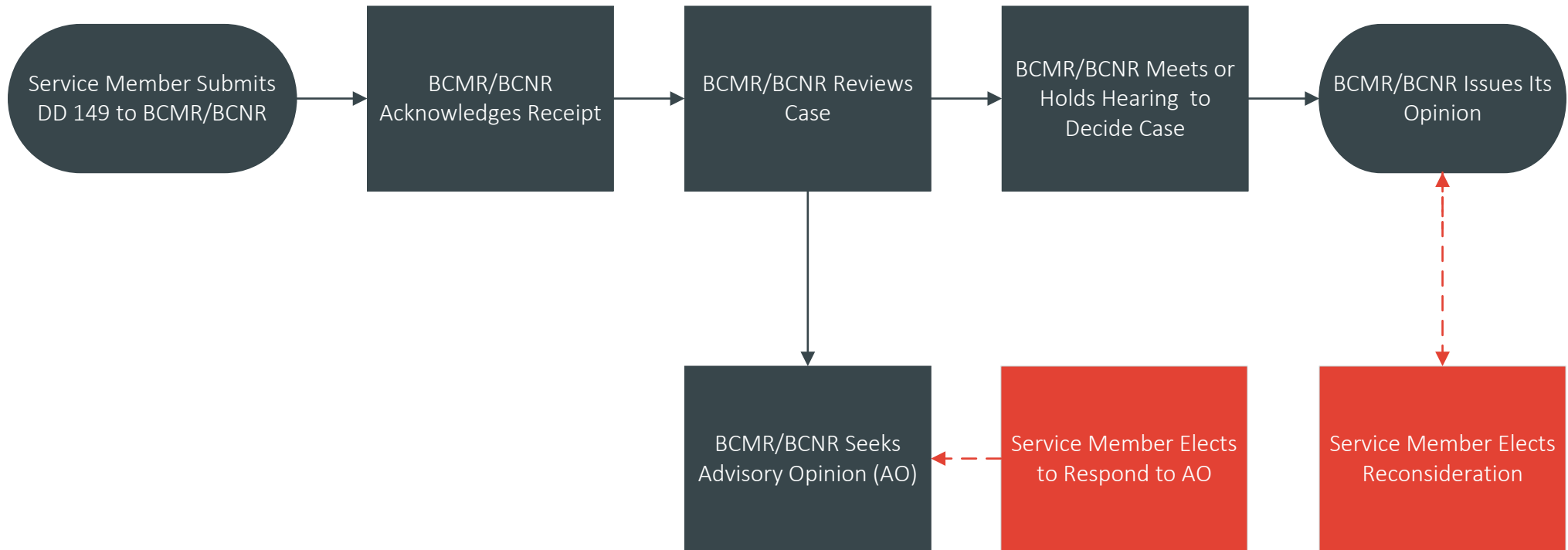
Additionally, Service members will likely have to respond to an advisory opinion (AO) the BCMR usually options to make an informed decision. Again, this is a chance for the Service member to shed light on their reasons and arguments behind their DD Form 149.

Put simply, the BCMR is not a "fire-and-forget" process. Knowing the process is key to participating in it. The timelines may be long and the path arduous, but remember this: it's always darkest before the dawn.

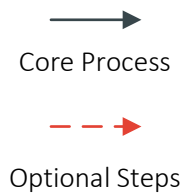
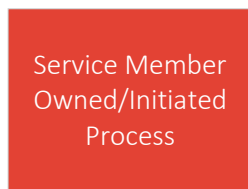
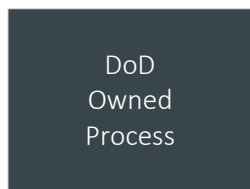
10 U.S CODE SECTION 1552
AFI 36-2603
AR 15-185
SECNAVINST 5420.193
USCG: 33 CFR, PART 52




Correcting Military Records (BCMR/BCNR) Flowchart



Legend





Joel Pettit Law is a litigation powerhouse providing comprehensive, end-to-end legal solutions to ensure Service members receive the disability benefits they deserve and move forward to a brighter future. We combine active-duty and reserve military experience with federal and civilian practice sophistication. The combination of MEB, IPEB, and FPEB expertise, and our ability to work seamlessly across each stage of the IDES, VA appeals, and BCMR, means we add unique value in shaping, litigating, and appealing cases at every level.

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