



DISABILITY EVALUATION SYSTEM (DES)

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Wounded Warrior Battalion-East

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Overview (slides 1-4)

- **Situation**- Overview of process (slides 5-20)
- **Mission** – NDAA 2008 (slide 21)
- **Execution** - DES Counsel Billet Description (slide 22)
- **Admin + Logistics**- What does all of this mean to you? (slides 23-28)
- **Communications** - How to find us (slides 29-30)

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Overview (common terms/acronyms)

Addendum = Medical write up by specialist for condition other than the one for which the MEB was initiated

C&P Exam = Veteran's Administration Compensation and Pension Exam

DES= Disability Evaluation System

Fit (not an acronym) = "Fit for continued Naval service." This means, able to perform the duties and responsibilities of the Service member's office, grade, rank, or rating.

FPEB = Formal Physical Evaluation Board

IDES = Improved Disability Evaluation System ("Pilot" system)

IPEB = Informal Physical Evaluation Board

L/Duty = 30 day or less period of time to allow medical treatment

LimDuty = 180 day or less period of time to allow medical treatment

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Overview (common terms/acronyms)

MEB = Medical Evaluation Board (first formalized medical evaluation board)

MEB Report/MEB Package = NMA, NARSUM, C&P, this is submitted to the PEB for IPEB adjudication.

NARSUM = Narrative Summary

NDAA = National Defense Authorization Act

NMA = Non Medical Assessment (used to show command perspective)

PEBLO = Physical Evaluation Board Liaison Officer

PFIT = Presumed fit for continued Naval service

Unfit (not an acronym) = "Unfit for continued Naval service."

WII = Wounded, Ill, and Injured

WWBn-E = Wounded Warrior Battalion-East

WWR = Wounded Warrior Regiment

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Situation

- Why do we have a DES?
 - It is fundamentally a readiness, or personnel tool.
 - Designed to ensure a fit fighting force
 - It is **NOT** designed to compensate for injuries
 - It **IS** designed to compensate for the loss of a career.

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Situation

- What is it?
 - It is an administrative process governed by regulation and public law.
 - Multiple evaluation boards (includes non-medical inputs)
 - Representation by an attorney at the Formal Board Level, **information** from an attorney throughout the process.
 - Service members have guaranteed rights of process; DES Attorneys protect the process!

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Situation- How This Works

Wounded,
Injury,
Illness

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Situation- How This Works

Wounded,
Injury,
Illness

Light Duty
(30 Days)

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Situation- How This Works

Wounded,
Injury,
Illness

Light Duty
(30 Days)
Max of Two

Limited Duty
(180 Days)
Max of Two

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Situation- How This Works

Wounded,
Injury,
Illness

Light Duty
(30 Days)
Max of Two

Limited Duty
(180 Days)
Max of Two

Medical
Evaluation
Board
(NMA, C&P,
NARSUM)

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Situation- How This Works

Wounded,
Injury,
Illness

Light Duty
(30 Days)
Max of Two

Limited Duty
(180 Days)
Max of Two

Medical
Evaluation
Board
(NMA, C&P,
NARSUM)

InformalPhysical
Evaluation
Board
(MedBdRpt,
C&P)

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Situation- How This Works

Wounded,
Injury,
Illness

Light Duty
(30 Days)
Max of Two

Limited Duty
(180 Days)
Max of Two

Medical
Evaluation
Board
(NMA, C&P,
NARSUM)

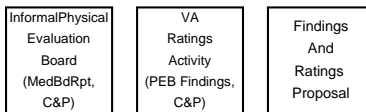
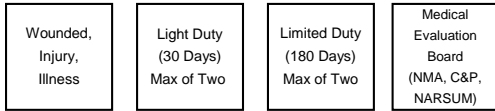
InformalPhysical
Evaluation
Board
(MedBdRpt,
C&P)

VA
Ratings
Activity
(PEB Findings,
C&P)

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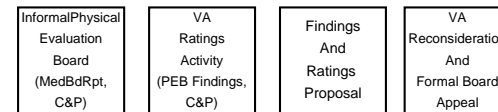
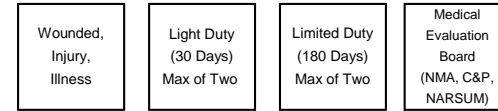
Situation- How This Works



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Situation- How This Works



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Situation- The Key References

DODI 1332.38 = Department of Defense's Outline for the PEB Process

DTM October 14, 2008 = Directive Type Memorandum from Under Secretary of Defense

MANMED Article 18-4 = Manual of the Medical Department, USN, Reasons for MEB

And Most Importantly:

SECNAVINST 1850.4E = Department of the Navy's PEB process

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Situation

- There are approximately 2,500 Marines in the Disability Evaluation System (DES) at any given time.
- Some are housed in one of the Wounded Warrior Regiment's two Battalions, the majority are not.
- The DES is not reserved for combat wounded. It is Wounded, ILL, **and** INJURED (WII).

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Situation

- The DES is a complex system (actually two systems) involving multiple agencies.
- It can take months or even years for a Marine or Sailor to get through the pipeline.
- Getting through is not a guarantee of a “good” result, and interestingly, “Fit” is usually not considered “good” by our clients.

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Situation – The 3 Big Problems

“Christmas lights effect.”

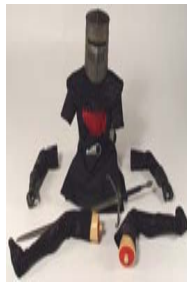


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Situation – The 3 Big Problems

“Black Knight Effect.”



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Situation – The 3 Big Problems

- “No One Knows Nothing About DES Effect”



“Bluto Blutarsky. Zero point zero.”

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Mission

- From the NDAA 2008: (paraphrased)

DES Attorneys shall be available to consult (by telephone or otherwise) with a Service member regarding the Service member's rights and elections following the Service member's receipt of the decision of an Informal Physical Evaluation Board (IPEB). Military Departments may make legal counsel available to respond to inquiries by Service members earlier than receipt of the IPEB decision.

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Mission (The Rest of the Story)

- USMC DES Attorneys provide the following services (not exclusive):
 - Assistance with NMAs
 - Assistance with systemic stoppages
 - Assistance with assignment to WWR
 - Assistance with legal/admin processes
 - Assistance with Combat Relatedness
 - Assistance with PEB Preparation/Appeals

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Admin + Logistics (Or...seriously, Why Do You Care?)

- It's easy. There are more clients than we can handle. Soon enough, they could be your clients.
- Your clients may be our clients already- divorce, DUI/DWI, altercations, road rage?
- Here are some considerations for you as attorneys who may be working with cases involving the DES.

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Things to Consider for Your Client

- 1st: Are they in the DES?
- 2nd: If not, should they have be in the DES?
- 3rd: Was your client deployed to Combat?
- 4th: Are they a Reservist?

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Things to consider, part deux

- Bad advice abounds.
- “John Wayne” factor = faulty patient inputs
- Total number of LIMDU periods?

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Things to Consider, Part Three

- Years vs. Rank vs. Onset of misconduct?
- Proximity to EAS?
- Deployment cycle, was the command leaving soon?
- Categorization of discharge?

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Ok- Now What?



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Do you feel lucky? Well, do ya?

- Take their case. (I don't recommend this without expertise.)
- Go to BCNR
- Go to PDBR
- Contact their Command
- CONGRINT
- ASK US

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Communications: How to Find Us

Wounded Warrior Battalion-East:

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Questions

Please do not hesitate to ask, your questions are why I'm here today.

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