

How will the final determination be made in my case?

All medical and administrative evidence is carefully evaluated to ensure that a just and accurate determination is made. To ensure that your interests are protected, you will be afforded the opportunity to appeal or rebut the PEB's findings before your case is finalized. An OSC attorney is available to advocate on your behalf.

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

While the PEB will forward your information to our offices, we encourage you to also contact us using the information in this brochure so we can begin working with you as soon as possible. Once you submit your demand for a formal hearing, the PEB will schedule a hearing date in your case. Once scheduled, the PEB will send a copy of your case file to the OSC, who will then assign a specific attorney to represent you. The PEB must provide you and the OSC with at least 10 days advance notice of your scheduled hearing date. The earlier you begin working with your OSC attorney, the better your chances to prevail.



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

Yes.

Our attorneys will explain your appeal rights and offer advice about whether an appeal is in your best interest. Your appointed attorney can also assist in drafting the appeal, and ensure it is submitted in a timely manner.

For further assistance, please call:

Office of Soldiers' Counsel

usarmy.gordon.medcom-eamc.mbx.meb-counsel@health.mil



**SOLDIERS' MEDICAL
EVALUATION BOARD
AND PHYSICAL
EVALUATION BOARD
COUNSEL**

*Reserve Component Non-Duty
Related Fitness Determinations*



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

**TWO TEAMS WORKING
TOGETHER TO SUPPORT YOU**

This brochure provides information regarding services provided by specially trained Army JAG Corp personnel to Army Reserve and Army National Guard Soldiers with a Non-Duty Related (NDR) determination during the Physical Evaluation Board (PEB) process. The Office of Soldiers' Counsel (OSC) is made up of Army Attorneys and Paralegals 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 PEB process.

What are my options?

When you receive a NDR election of options from your Case Manager you should immediately contact the OSC.

If you have not contacted our office prior to receiving an Initial PEB decision finding you unfit for an NDR condition, you can:

1. Agree with the decision and you will be medically discharged without Army benefits. If you have 15 or more good years towards reserve retirement, submit your retirement packet, or;
2. Appeal the finding of unfitness and/or demand a formal PEB hearing, or;
3. Ask the PEB to return the case to the Reserve Component or National Guard Chain of Command with a recommendation to review whether your condition might be duty related.

Before making a decision, you should contact the Office of Soldiers' Counsel (OSC).

How can the OSC assist me?

The OSC is independent of the PEB and their sole duty is to advise and represent individual Soldiers in the disability evaluation system. OSC attorneys and paralegals are highly trained and qualified professionals who are available to assist Soldiers with an NDR determination in the PEB review process. Our counsel work diligently to ensure Soldiers make fully informed decisions and then help Soldiers achieve their desired outcome. Any information you provide to our attorneys and paralegals is privileged and confidential, and can only be disclosed with your permission.

What else can the OSC do for me?

We are available to ensure you are aware of your rights, options, and possible outcomes to help you decide whether to fight to return to duty in the Army or pursue a medical separation with compensation for duty-related condition. We can provide general advice and help you develop a strategy to reach your desired outcome. If a formal PEB hearing is held, our PEB attorneys will advocate for your desired outcome.

How do I contact the OSC ?

Regardless of where you are, you can consult the OSC either in person or by telephone. You can contact the OSC using the email address provided on the back of this brochure.



How do I prepare for my formal hearing?

1. Obtain and maintain copies of all your medical records and any military orders when your medical condition arose. You should provide copies of all relevant documents to your attorney as soon as possible.
2. Provide current contact information to your attorney.
3. If you want to stay in the Army, collect medical evidence and statements from your Chain of Command that support keeping you in the Army.
4. If you believe you have service-related conditions that fail Army retention standards, try to obtain a Line of Duty (LOD) determination from your unit for such conditions and obtain statements from fellow Soldiers to prove that each injury or illness is duty-related.

What are my rights?

1. You have the right to personally appear before the PEB, but travel and lodging expenses will not be paid by the Army. You can also appear by VTC or by phone.
2. The right to the assistance of counsel appointed by the OSC.
3. The right to make sworn or unsworn statements.
4. The right to present witness testimony (usually by phone), depositions, documents, affidavits or other evidence to support your case.
5. The right to review all records and information received by the PEB.
6. The right to a written decision by the PEB explaining their findings and recommendations.
7. The right to appeal the PEB's finding and recommendations.