



CLIENT SERVICES & POLICY DIVISION

Legal Assistance Office



Legal Services Available During the MEB and PEB Process

Overview. The Office of Soldiers' Counsel (OSC) provides legal assistance to Soldiers undergoing the Army's Disability Evaluation System (DES) from the initiation of a Medical Evaluation Board (MEB) through final review by the Physical Evaluation Board (PEB) and separation or return to duty. OSC team members provide case-specific legal advice and advocacy designed to help Soldiers formulate and achieve their specific goals from the DES, whether that is to be found 'Fit for Duty' or separate with a fair and accurate disability determination. The OSC has specialized Soldiers' MEB Counsel (SMEBC) and Soldiers' Physical Evaluation Board Counsel (SPEBC) to assist Soldiers at each stage of the DES. OSC personnel do not advise or represent Commanders, medical personnel, or the MEB/PEB. Communications between Soldiers and OSC attorneys and paralegals are confidential and protected by the attorney/client privilege.

Medical Evaluation Board Phase. The Offices of Soldiers' MEB Counsel (OSMEBC) provide a legal briefing for all Soldiers upon initiation of the MEB, which covers the services provided by OSC and explains Soldiers' due process rights and options throughout the DES process. OSMEBC are located at almost every installation and Army Medical Treatment Facility (MTF) and Soldiers should consult their local SMEBC team as soon as possible after entering into the MEB system. There are three critical phases for Soldiers to consult with SMEBC:

1. Upon Referral to the MEB. SMEBCs can help Soldier's understand the process and formulate strategies to help achieve their desired outcome. For Soldiers' in the Integrated Disability Evaluation System (IDES), it is important to consult with SMEBC prior to meeting with the Military Services Coordinator (MSC) in order to ensure the VA Claim Form is properly completed and consistent with the Soldier's medical condition and goals.

2. Completion of MEB Proceedings: SMBCs are available to review the completed DA Form 3947, Narrative Summary, and other documents in order to advise the Soldier whether the MEB's findings and recommendations are consistent with the Soldier's desired outcome. Counsel can assist Soldiers with requests for Impartial Medical Reviews (IMR) and MEB Appeals when he or she believes the medical evaluations do not accurately reflect the Soldier's true condition. There are strict time limits at this stage so it is crucial that Soldiers who desire legal assistance contact the OSMEBC immediately after receiving the completed MEB documents.

3. Informal PEB Decision (IPEB). SMEBCs counsel and advise Soldiers about whether to accept the IPEB decision, request a formal PEB hearing, and or challenge the proposed VA disability rating. Following any appeals submitted by the Soldier of the MEB, the case is referred to the PEB for an informal adjudication. The Physical Evaluation Board (PEB) issues