



LEGAL SERVICES **AVAILABLE DURING THE** **MEB/PEB**

Soldiers Counsel at Walter Reed Army Medical Center (WRAMC) Office of the Center Judge Advocate (OCJA) are available to assist Soldiers throughout the DoD/DVA DES Pilot process. Soldiers Counsel are licensed and experienced attorneys with special training in the Army Physical Disability Evaluation System (PDES). They are available to support, advise and represent Soldiers. Soldiers Counsel do not advise or represent commanders, nor do they advise or represent the MEB or PEB.

I'm going through the MEB/PEB process. Are attorneys available to help me throughout this process?

Yes. For questions involving your legal rights during the MEB/PEB, you can speak with Soldiers Counsel. Soldiers Counsel represent and advise Soldiers, not the MEB or PEB.

What can Soldiers Counsel do for me?

Soldiers Counsel provide numerous services to Soldiers who are going through the MEB/PEB process. At the beginning, we provide general advice and assistance in developing a strategy to reach your desired outcome. As you progress through the system, Soldiers Counsel can provide more specific advice. As your case further develops, we can provide specific advocacy and representation.

Can Soldiers Counsel make my doctor change his or her notes or my NARSUM?

No. Soldiers Counsel are not doctors and we cannot make a doctor change his or her medical opinion. If, at the time you receive your DA Form 3947 you disagree with the MEB doctors' determinations, you can disagree with the findings and Soldiers Counsel can assist you in submitting a rebuttal.

What can I do now that will help me later on during the process?

You can start by getting copies of all your medical records and ask for a copy of each printout after every appointment. You can also begin to determine what you want to achieve (finding of fit and return to duty or separation with an appropriate rating). Depending on the desired outcome, Soldiers Counsel can give you general advice on what evidence will be most helpful. You can then start to develop and gather evidence.

I know I want to be found fit and returned to duty. What can I do to help make that happen?

You can talk to your doctor about changing your profile to a P2 and limiting the amount of restrictions imposed. If at all possible, perform your PMOS duties. Ensure your command is aware of this performance. If you cannot perform your PMOS duties then perform duties that are as close as possible to your PMOS. Additionally, coordinate with your supervisor for permission to perform as many basic Soldier skills (as listed in Block 5 of your profile) as possible and take and pass an APFT. Ensure your supervisors document all of your efforts.

I received my DA Form 3947 (MEB Report) and do not know if I should agree with it. Can I see an attorney?

Yes. Soldiers Counsel can look at any records you provide and speak with you regarding your rights. If you want an attorney to review your packet, you must call our office immediately. You may only have as few as 3 days from the time you receive your DA Form 3947 to make your election.

My case was referred by the MEB to the PEB. I received a DA Form 199 (Informal PEB Decision) and I disagree with the outcome. What can I do?

There are several potential actions a Soldier can take. He or she may discuss their case with a Soldiers Counsel who will review the documents and discuss the Soldier's goals to determine the best course of action. If desired, it is important to schedule an appointment soon after receiving your DA Form 199 because you only have a 10 day appeal period.

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

It takes several days for us to receive your file and contact you. If you have not heard from our office within three days of receiving your notice of the date of your formal board, please call our office. The appropriate Office of Soldiers Counsel for your case is listed on your Notice of Hearing letter.

How can Soldiers Counsel help me with my formal hearing?

We will meet with you prior to your hearing to discuss your case. We assist you in gathering relevant evidence and advocate on your behalf at your hearing. We will also identify any potential witnesses for possible testimony or written statements.

If I am unhappy with my formal hearing decision, can Soldiers Counsel assist with an appeal?

Yes. However, not all cases have grounds for appeal. Soldiers Counsel can identify bases for appeal when they exist and can also advise you if appealing is in your best interest. Soldiers Counsel can assist in ensuring that an appropriate appeal is drafted and submitted within the time limits allotted by the PEB.

The PEB placed me on the Temporary Disability Retirement List, should I still consult with a Soldiers' Counsel?

Yes, even if you will concur. As a condition to TDRL, your case will be reevaluated in the next 12 to 18 months by the PEB. Soldiers Counsel can provide you with important information and advice about the TDRL review process.

I am not located close to an Office of Soldiers Counsel, can I still receive legal assistance with my MEB case?

Yes. During the MEB process, we will counsel non-local Soldiers by telephone. However, we ask that you fax over any relevant documentation before your scheduled telephone appointment. We are currently exploring video-teleconferencing capability as an additional means of counseling.

How do I determine which Office of Soldiers Counsel provides services in my case?

Your PEBLO should have informed you which Office of Soldiers Counsel has jurisdiction in your case. In the alternative, please contact any one of our Offices of Soldiers Counsel whom will direct you to the appropriate office.

FORT POLK

Location: 7133 Radio Road, Bldg. 407
Fort Polk, LA 71459

Hours: Monday – Friday 0900 - 1700
Closed Federal Holidays & Weekends

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FORT SAM HOUSTON

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