



**DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
JOINT BASE SAN ANTONIO-RANDOLPH, TEXAS**

Physical Disability Board of Review Frequently Asked Questions

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1. What is a PDBR review?

Answer: The FY2008 NDAA requires the military services, upon request, to review certain separations for medical conditions where the rating was 20 percent or less and the member did not otherwise retire. The review will evaluate whether, under the applicable guidance in effect at the same time, the rating awarded was fair and accurate.

2. Where can I download the application form?

Answer:

Download DD Form 294

Download VA Form 3288

***** Both the DD Form 294 and VA Form 3288 must be signed and submitted with your application. *****

3. Whose rating can be reviewed?

The rating of members, to include members of the United States Coast Guard, as described above who were separated from between Sept. 11, 2001 and Dec. 31, 2009 can request this review.

4. Who can request this review?

The former service member, their surviving spouse, next of kin or legal representative may request this review.

5. My disability processing led to a determination that I was unfit with 20 percent (or less) but I was eligible for a reserve retirement and took it rather than a separation. Can I file with the PDBR?

Answer: Yes, for the same issues as other applicants.

6. How long do I have to apply?

Answer: At the present time, no time limit or cutoff date has been established for this review.

7. How do I request this review?

Answer: Applicants should submit a DD Form 294, Application for Review of Physical Disability Separation from the Armed Forces of the United States, to SAF/MRBR, Central Intake and Tracking Unit located at Joint Base San Antonio-Randolph, Texas. Applications may be mailed to the following address:

SAF/MRBR
550 C Street West
Joint Base San Antonio-Randolph, TX 78150

Due to the need for an original signature, applications may not be submitted electronically.

8. When will applications be accepted?

Answer: The CITU began accepting applications for review on Jan. 12, 2009.

9. I was not in the Air Force - why am I mailing my application to Joint Base San Antonio-Randolph?

Answer: The Department of Defense has designated the Air Force as lead component for implementing the PDBR process. As such, the Air Force has overall responsibility for case tracking and reporting, although the actual case evaluation and adjudication is done in a joint adjudication unit with all services and components represented. The Under Secretary of Defense for Personnel and Readiness retains overall responsibility for program implementation.

10. What should I include with my application?

Answer: An applicant may submit statements, briefs, medical records, or affidavits in support of their application. Unless requested by the intake unit, the applicant does not need to send medical records that are already included among his or her service medical documents or the medical separation paperwork (informal board, formal board and appeal files and results).

11. Is there another way this review occurs?

Answer: Under special circumstances, the PDBR can initiate a review but if this occurs, the PDBR will contact the former member, explain why the board believes a review is appropriate and ask for his or her consent. If consent is not given, there will be no review.

12. What if I do not consent to a board initiated review and then later change my mind?

Answer: You may subsequently request a board review.

13. What is the difference between a Board for Correction of Military (or Naval) Records review and a PDBR review?

Answer: There are several differences between the scope and the consequences of the two reviews. To help compare please refer to either the information below or the chart located on the back of a DD Form 294.

Comparison - BCMR/BCNR versus PDBR Review of Rating

Characteristics

BCMR

PDBR

Panel Composition

BCMR - 3 Civilians in grade of GS-15 and above

PDBR - 3 military officers in grade of 05/06 (or civilian equivalents); Board president 06 or civilian equivalent only

Review Authority

BCMR - May apply for review of military record, within three years of error/injustice, (may be waived in the interest of justice)

PDBR - Medical separation 20% or less where member did not retire finalized between 11 September 2001 and 31 December 2009

Review Process

BCMR - Application submitted, medical, personnel or legal advisories prepared and served on applicant with chance to comment before panel review

PDBR - Application submitted, then case summarized by PDBR medical member (or other experts) for presentation to PDBR before vote. Applicant can submit records from non DOD sources

Panel Outcome

BCMR - Recommendation or Decision

PDBR - Recommendation only

Burden of Proof

BCMR - Member has the burden of proof to establish error or injustice. There is a presumption of regularity

PDBR - Member need not allege anything, review accomplished upon request

Effective Date of Correction and Benefits Computation

BCMR - Benefits retroactive to date of separation

PDBR - Benefits retroactive to date of Physical Evaluation Board separation action

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Last Updated: 20 September 2016

Standards

BCMR - Will correct errors in records and/or remove an injustice

PDMMR - Rating reviewed for fairness and accuracy

Impact of Subsequent VA Rating

BCMR - Within discretion of the Board

PDMMR - Will compare VA rating with particular attention to one with an effective date within 12 months of separation

14. Can I file with both the PDBR and BCMR/BCNR?

Answer: If you file with the PDBR, you cannot ask your service BCMR/BCNR to review issues that the PDBR can consider; you must choose which forum you want to hear such issues. These issues are primarily whether you have received a higher rating for medical condition(s) that resulted in separation or whether you should have been found unfit and rated for other conditions that were considered in your DES evaluation. However, if you go to the PDBR, you can ask your service BCMR/BCNR to review other issues, such as whether other conditions should have been considered by the DES (but were not).

If you do not go to the PDBR, you can ask the BCMR/BCNR to consider all of the issues relevant to your separation, including the conditions actually considered, those that should have been considered and the rating that was, or should have, been awarded. Thus, the BCMR/BCNR is a one stop forum whereas the PDBR is more limited in what it can and will review.

For example, you were found unfit for a back problem and separated at 10 percent for this condition. You also had asthma problems considered in the DES process, but they were not found to be unfitting and thus were not part of your disability rating. Furthermore, you had headaches which were not even considered by the DES system. You may ask the PDBR to re-evaluate your back injury rating and can ask it to find unfit for and rate the asthma, but it will not consider the headache issue.

In contrast, you could ask the BCMR/BCNR to change your record to show you were found unfit for all three conditions. If you do not go to the PDBR, you could ask the BCMR/BCNR to consider all three. If you have been to the PDBR, the BCMR/BCNR will not review the issue of the ratings or unfit determination for the back and asthma, because you had these issues reviewed by the PDBR. Because the PDBR could not review the headache issue, the BCMR/BCNR will consider whether you should have been found unfit (and received an additional rating) for the headaches after a PDBR review.

15. Can I appeal the decision?

Answer: By law, the decision of the Secretary, or designee, is final. There are no provisions for appeal or reconsideration by the PDBR. On the other hand, previously denied BCMR/BCNR appeals may be reconsidered when relevant newly discovered evidence (not previously available) is presented.

16. Which one should I choose?

Answer: There is no easy or clear-cut answer. The choice is important and highly dependent upon the facts and circumstances of your case. The applicant should weigh all of the factors and make a choice only after careful consideration.

17. Is there someone who can help me make the choice?

Answer: You should contact your local veterans' service organizations, several of which provide excellent advice and service on these issues.

18. Will the government pay for an attorney?

Answer: The government will not pay for an attorney to advise you in this matter.

19. Can my service disability rating be lowered?

Answer: No. The PDBR cannot lower a service disability rating.

20. Can I appear in person?

Answer: The PDBR is a document review only. There is no provision for a personal appearance.

21. How long will this review take?

Answer: Since this is an entirely new process, it is not possible to come up with an estimate at this time.

22. Why does this group need my VA records?

Answer: Part of the PDBR review process is to consider the rating(s) previously awarded to an applicant by the VA for his or her unfitting medical condition(s), but particularly those awarded with an effective date within 12 months of the applicant's date of separation. Access to applicable VA medical documents and disability rating rationale(s) are necessary for this review.

23. Will my privacy be respected?

Answer: Yes. Only individuals with a need to know will have access to information from the applicant's service and medical records.

24. What if I do not consent to release of my VA records?

Answer: If the applicant does not consent to a release of DVA records, the service disability rating will be reviewed for fairness and accuracy but the comparison to the DVA rating will not be accomplished.

25. What if my VA disability determination is pending?

Answer: If the applicant's VA determination is pending, the applicant must decide whether they want the PDBR review without this information. The PDBR will take the VA determination into account as one factor. Although the objective is to compare the ratings, the significance of a higher VA rating may vary, but cannot serve as an automatic validation that an error has taken place. Therefore, it is difficult to set forth a general rule as to whether an applicant should wait for a VA determination letter before submitting an application for PDBR review, but an applicant should be aware the PDBR will not adjudicate the rating twice.

26. Where does this review take place?

Answer: The case evaluation and consideration (so-called adjudication) will take place in a joint (all services and components represented) central adjudication unit in Crystal City, Virginia created especially to perform this mission.

27. Who makes the final decision?

Answer: By law, the PDBR makes a recommendation to the applicant's service secretary who makes the final decision. This responsibility may be delegated to, but to no lower than, the directors of the review boards agencies (Army and Air Force) the Assistant Secretary of the Navy (Manpower and Reserve Affairs or the Associate Counsel, and the Commandant, CG-1, United States Coast Guard. These individuals are career members of the senior executive service (civilian general officer equivalents).

28. How will I be notified?

Answer: The Secretary of the Military Department concerned, or the designated decision authority, will notify the applicant of the final decision and the consequences if the rating is changed including the effect upon benefits. The applicant's service BCMR/BCNR, the VA, and Defense Finance and Accounting Service will be responsible for correcting the military and finance records or adjustment of other benefits where appropriate.

29. Will the decision be explained to me?

Answer: The final letter to the applicant will provide a rationale for the decision.

30. When will the correction be effective?

Answer: The military records will be corrected effective the date of the execution of the Physical Evaluation Board's separation action. This is the same rule for BCMR/BCNR correction.

31. Where can I find more specific guidance on the processing and criteria for the PDBR process?

Answer: The governing instruction for the PDBR process is DODI 6040.44, Lead DOD Component for the Physical Disability Board of Review.

32. Whom can I contact at the PDBR for additional questions not included on this list?

Answer: You may submit a question about processing procedures in writing to the Central Intake Unit at the following address:

SAF/MRBR
550 C Street West
Joint Base San Antonio-Randolph, TX 78150

Please keep in mind, however, that this office will not offer advice or discuss the merits of your application.