

## INFORMATION PAPER

JALS-OSC  
19 October 2023

SUBJECT: Migraine Headaches

1. Purpose: To provide information for Soldiers going through the Integrated Disability Evaluation System (IDES) process concerning the diagnosis of migraine headaches.

2. Facts:

a. The Physical Evaluation Board (PEB) determination of whether a Soldier who experiences migraines is fit for duty is performance-based and highly fact-specific. Relevant factors include the severity and frequency of the migraine attacks, compliance with prescribed medical care, and the specific restrictions for the Soldier. The PEB will balance those factors against the demands of the Soldier's PMOS.

b. The Medical Evaluation Board (MEB) identifies all medical conditions that impact the Soldier and determines whether each condition meets or fails medical retention standards as defined by AR 40-501, Chapter 3. Migraine conditions can be found at paragraph 3-31.

c. The PEB determines whether those medical conditions that fall below retention standards, alone or in combination, prevent the Soldier from performing the Primary Military Occupational Specialty (PMOS) duties, basic Soldier skills (e.g., carrying and firing a weapon, carrying a rucksack, etc.), and passing an Army Combat Fitness Test (ACFT). The PEB also considers whether the condition prevents the Soldier from performing duties in an austere environment, creates a danger to the Soldier or other Soldiers, if the Soldier creates an unreasonable burden on the unit, and whether the Soldier can deploy.

d. If the PEB determines the migraine condition to render the Soldier unfit for duty and compensable, the Department of Veterans Affairs will assign a disability rating under the Veterans Affairs Schedule for Rating Disabilities (VASRD). In general, migraines are rated under VASRD code 8100.

e. Under the Veterans Affairs Schedule for Rating Disabilities (VASRD), the VA will look for evidence of the frequency and intensity of "prostrating" attacks over the course of the "last several months." In general, a "prostrating" attack is one that debilitates the Soldier and typically requires that activity stop and that the Soldier seek medical treatment. If the Soldier has been diagnosed and is under clear instructions from a physician of how to treat a migraine attack, they may not be required to seek immediate medical care for every migraine episode. However, the Soldier may be required to consult with health care providers on an ongoing basis if the migraines continue. The

presence of “photophobia,” nausea and vomiting, and the length of time the Soldier is incapacitated is also relevant.

f. The following evidence assists the PEB and VA in making an accurate determination of fitness for duty and accurate disability rating:

(1) Documentation showing the frequency and severity of prostrating migraine attacks, such as medical treatment records, personal headache logs, records of missed work, “Quarters” slips, statements by witnesses who observed the attack, etc. Soldiers should be mindful that witnesses can forget or be unavailable if asked after the event. Effort should be made to ensure documentation is created as shortly after the event as possible. The amount of time the Soldier is incapacitated is also relevant and should be noted.

(2) Copies of medication prescriptions, to include refills, from military and civilian pharmacies and evidence that the Soldier took the medication as directed. The Soldier may even want to save the empty medication containers as evidence.

(3) Written medical guidance from the Soldier’s health care provider about what actions the patient should take upon the onset of a migraine attack (e.g., cease all activity, take prescribed medication, find a dark room, lay down on a bed, etc.). The guidance should be renewed on a regular basis.

3. This Information Paper is provided as a service to Soldiers in the MEB/PEB process and is intended as general information only. A Soldiers’ Counsel is available to provide specific legal advice to Soldiers involved in the MEB/PEB process. Contact your local Office of Soldiers’ Counsel for more information. If you don’t know how to reach your local OSC, please contact you PEBLO or see our website for contact information at <https://www.jagcnet.army.mil/OSC>.

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