



ARMY MEDICINE
Serving To Heal...Honored To Serve

Temporary Disability Retirement List (TDRL) Legal Briefing



***Prepared by:
Office of Soldiers' Counsel***

Disclaimer & Guidelines

- Please save your questions until the end of this presentation.
- We're able to answer your general questions about the TDRL review process.
- Please do not discuss any individual or specific aspects of your case because there is no confidentiality at all during this briefing.
- If you have specific and personal questions, we will make an appointment for you following this briefing.
- This briefing is not a substitute for legal advice and is only offered for your general informational purposes.





Agenda

- Periodic TDRL Evaluation
 - Legacy versus Integrated Disability Evaluation System
 - TDRL Examination
 - Physical Evaluation Board (PEB) Determinations
 - Your Rights & Responsibilities
- New Medical Conditions
- Legal Services
 - Office of Soldiers' Counsel (OSC)
 - Rights and Options in the TDRL
 - How to Prepare
 - Where To Find More Information
- Contact Information



Periodic TDRL Review

- Periodic TDRL Reevaluations usually occur after your initial 6 or 18 months on TDRL and every 18 months thereafter if your condition remains unstable.
- Were you placed on the TDRL through the Integrated Disability Evaluation System (IDES, formerly called the DES Pilot Program)? If so:
 - The PEB will determine if they can use any recent Department of Veterans Affairs (VA) examinations and ratings to perform your periodic TDRL reevaluation.
- A TDRL examination will be required if you were processed through the Legacy DES or if your VA exams are insufficient for TDRL review purposes.



Periodic TDRL Review—Exam

- If a TDRL examination is required:
 - Your TDRL evaluation will be conducted by a physician at the nearest Medical Treatment Facility or through a contracted provider.
 - A physician will examine and evaluate your medical condition and determine whether you currently meet or fail Army retention standards.
 - You should be placed on travel orders for the exam.
 - You will be given a 5-day opportunity to review and concur or appeal the results of the examination before it is sent to the PEB.
- Be prepared to provide copies of recent medical records.
- Do not miss your exam, or your Army benefits may be terminated!



Periodic TDRL Review—PEB

- The PEB will issue certain decisions when evaluating your case:
 - The PEB may find you fit for duty. As a TDRL member, you are under no obligation to return to duty if found fit.
 - If the PEB finds you unfit, the PEB may:
 - keep you on the TDRL if your condition remains unstable;
 - permanently retire you if your condition has stabilized;
 - offer only severance pay if the severity of your condition has improved; or
 - find you have new unfitting conditions that are non-compensable.



Periodic TDRL Review—PEB (cont'd)

- PEB determinations are based on current facts available at the time of review. Decisions are not based on how severe a condition was in the past nor how severe it may be in the future.
- You can contest the results of the PEB and request a formal PEB hearing with one exception. You cannot appeal a PEB's decision to maintain you on the TDRL.



New Medical Conditions

- If you have new medical conditions that were not noted in the original PEB decision placing you on the TDRL, it is extremely important that you consult with an attorney who can explain your rights.
- If a new medical condition is caused by a medical condition that the PEB earlier found unfitting or is caused by its treatment, you may be entitled to additional compensation.
- If you have a medical condition that should have been noted by the PEB as unfitting at the time of separation, but was not due to error or incomplete information, and it remains severe, you may be entitled to additional compensation.



Office of Soldiers' Counsel



Legal Services Offered by the Office of Soldiers' Counsel

- The Office of Soldiers' Counsel is a team of Department of the Army (DA) civilian and uniformed attorneys and paralegals who are specially trained to provide legal advice and representation to TDRL members undergoing periodic review.
- The OSC is independent from the MEB, PEB, and your command. Their sole duty is to assist the individual TDRL member through the disability evaluation process.
- Information you provide to OSC personnel is confidential and covered by the attorney/client privilege.
- The election periods during the TDRL review process are very short. We are here to help.
- There is an Office of Soldiers' Counsel at most Army Medical Treatment Facilities.
- You have the right to seek legal counsel through the OSC, at no cost to you, for assistance with your TDRL case.



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Your Rights and Responsibilities

- You have the right to free appointed legal counsel during the TDRL evaluation process.
- There is no obligation to use our free services.
- You may elect to use a representative from a Veterans' Service Organization or hire a private representative at no cost to the government.
- You have 5 calendar days to review, comment, and agree or disagree with the TDRL examination before it is sent to the PEB.
- You have 10 calendar days to concur or non-concur with the PEB's initial decision regarding fitness determinations and compensation, unless you are maintained on the TDRL. If you are eligible to non-concur, you may request a formal hearing and submit a written appeal with your election.
- You may review all evidence considered by the PEB and may offer evidence to support your desired outcome.
- If you disagree with the PEB's decision, you can appeal to the Army Physical Disability Agency and to the Army Board for Correction of Military Records (ABCMR) if appropriate.



How to Prepare for the TDRL Review

- Obtain and maintain copies of all your medical records after your initial PEB.
- Provide accurate contact information to the PDA while you are on the TDRL.
- Ensure you are complying with your doctor's advice for treatment and medication while on the TDRL.
- Consult an OSC attorney upon notification of your TDRL examination and attend this legal briefing.
- Normally, you should provide copies to your PEBLO and bring copies to your TDRL medical evaluation.
- Be honest and candid with the TDRL physician.
- If your condition affects or prevents civilian employment, ensure you obtain evidence.



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Where to Find More Information

- Title 10, United States Code, Chapter 61
- Department of Defense Instruction 1332.38
- Army Regulation 635-40
- Army Regulation 40-501
- Office of Soldiers' Counsel Home Page
(<https://www.jagcnet.army.mil/otjagosc>)
- U.S. Army Physical Disability Agency (USAPDA) Home Page
(<https://hrc.army.mil>)
- VA Schedule of Rating Disabilities
(<http://www.benefits.va.gov/warms/bookc.asp>)



Office of Soldiers' Counsel



Contact Information

- Please contact the OSC TDRL Helpline at (502) 624-3123 or alternately at (502) 624-2603 if you have specific questions or if you would like our office's help in your case. Or email us at:

usarmy.knox.medcom-irach.mbx.tdrl-counsel@mail.mil

- If your case is already pending at the PEB level, the OSC TDRL Helpline will provide you the contact information for the appropriate Office of Soldiers' Counsel responsible for your case.