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INFORMATION PAPER

MCJA-OSC
13 December 2013

SUBJECT: Impartial Medical Review (IMR)

1. Purpose: To provide general information for Soldiers going through the Medical Evaluation Board/ Physical Evaluation Board (MEB/PEB) process regarding Impartial Medical Reviews.
2. Facts. The right to an Impartial Medical Review (IMR) was established by Congress in the National Defense Authorization Act (NDAA) of 2008 and implemented through a DoD policy memorandum in October 2008. The IMR serves as the Soldier's "second opinion" regarding the MEB findings and recommendations, and is a comprehensive review of the Soldier's MEB for both completeness and accuracy. An IMR may also help Soldiers get a better understanding of certain medical findings in complex cases. This independent review can provide increased Soldier confidence that their MEB was fair and accurate.
3. Process.
 - a. Upon receipt of the completed MEB, to include the DA Form 3947 (Medical Evaluation Board Proceedings), Narrative Summary, Department of Veterans Affairs (VA) Compensation and Pension (C&P) exam, DA 3349 (Permanent Profile), the Soldier's Physical Evaluation Board Liaison Officer (PEBLO) will inform the Soldier that he or she has 5-days to consider and elect whether to request an IMR, or concur or non-concur and submit a written MEB rebuttal. A Soldiers' MEB Counsel (SMEBC) is available to explain your options and prepare a request for an IMR. IMRs are different from MEB rebuttals. Specific arguments about why your MEB may be inaccurate should be made through a MEB rebuttal rather than an IMR request. A SMEBC can explain the options in your individual case.
 - b. When a Soldier requests an IMR, the Military Treatment Facility will appoint a provider who is independent from the MEB to review your complete MEB case file and all available medical records. The scope of the review is not limited to diagnoses listed on your DA3947 or those discussed in your NARSUM.
 - c. The independent provider will complete his or her review and communicate his or her findings to the Soldier. The findings will be included as a Memorandum for Record (MFR) in the MEB case file. The MEB findings, as reflected on the DA3947, may be changed by the results of the IMR.
 - d. Upon receipt of the IMR results, Soldiers should review the IMR findings and elect whether to concur with the MEB or submit a rebuttal to their MEB findings. A SMEBC can assist Soldiers with this decision and draft MEB appeals, when requested.

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4. IMRs are different from MEB rebuttals and there are situations in which a rebuttal is more appropriate than an IMR. For example, if a requested IMR ultimately endorses an MEB as appropriately capturing all of your medical conditions, your chances for a successful MEB rebuttal may be greatly diminished. Whereas, if you have specific evidence supporting that a MEB may not have appropriately captured your medical condition, then a MEB rebuttal may be more appropriate than an IMR. A SMEBC can best explain your options based upon the circumstances in your individual case.

5. 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. To reach your local Office of Soldiers' Counsel, please contact your PEBLO or see our website for contact information at <https://www.jagcnet.army.mil/otjagosc>.

Approved by: Ms. Joyce A. Hamel

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