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UNITED STATES ARMY PHYSICAL DISABILITY AGENCY  
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AHRC-DZB

8 February 2007

MEMORANDUM FOR PHYSICAL EVALUATION BOARD PRESIDENTS

SUBJECT: Policy/Guidance Memorandum #18: Physical Evaluation Board (PEB)  
Administrative Termination of Cases Inadequate for Adjudication and Due to other Reasons

1. Purpose: To establish a uniform procedure among the PEBs to terminate cases.
2. Philosophy/discussion: Administrative termination of returned cases due to lack of adequate response is a management tool of last resort and not to be taken lightly. No case is returned without a cover memorandum detailing the deficiencies. Often, pre-return coordination has occurred. The military treatment facility (MTF) is free to request administrative termination (or recall of case) upon realizing the case requires additional work and may resubmit the case at any time. Uniform standards for terminating and reopening a previously terminated case support expeditious case processing.
3. Policy and procedures:
  - a. The PEBs may terminate cases under the following circumstances.
    - (1) The PEB President has authority to approve or disapprove an MTF request for recall for additional medical care. Generally, the guidance at AR 635-40, para 4-16, will be the basis to approve termination.
    - (2) An MTF request for recall to allow Soldier to undergo evaluation by the MOS/Medical Retention Board (MMRB) should be approved provided the request states that the MEB was reconsidered and a determination was made that the Soldier meets medical retention standards. (Note that under AR 600-60, para 2-3a, Soldiers who fall below medical retention standards are ineligible for an MMRB.)
    - (3) The PEB will generally administratively terminate duty and nonduty-related cases (including MHO cases) when 60 calendar days have lapsed without adequate response from the MTF or RC referring organization. The PEB President may grant extensions beyond the 60 days on a case by case basis. In general, extensions will not exceed 15 calendar days. Should an extension greater than 15 calendar days be required, the PEB will immediately notify the USAPDA Deputy Commander and Chief, Operations Division.
    - (4) The PEB will not terminate Temporary Disability Retirement List (TDRL) cases due to inadequate documentation unless termination is approved by the USAPDA Deputy Commander. The PEB will retain the case file pending decision of the Deputy Commander. The PEB's request for termination will list the condition, the reason for return (to include whether member

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or member's next-of-kin, when applicable, is the cause or contributing case for the lack of response), and whether the member was competent to handle his or her personal affairs when placed on the TDRL. When appropriate, USAPDA will seek assistance from MEDCOM in obtaining the required information.

(5) When the PEB is notified that an enlisted Soldier is pending a chapter action that makes the Soldier ineligible to continue disability adjudication or officer or enlisted is pending court-martial that could result in dismissal or punitive discharge, the case will be terminated as of the date the PEB receives written communication from the unit commander confirming the initiation of the chapter or court-martial action. (Refer to AR 635-40, Section 1, and DoD Instruction 1332.38, para E3.P2.4.2 and E3.P2.4.3. Also note that officers are generally "dual-processed" when pending elimination actions.) If the decision of the General Court Martial Convening Authority is disability disposition, and the case is returned to the PEB by the 60<sup>th</sup> day, the PEB will reopen the case using the original NARSUM date unless a new Medical Evaluation Board—not an addendum—is received.

(6) Upon notification of a Soldier's death, retirement, or separation.

b. Monthly, USAPDA will provide to OTSG (MHO Operations), MEDCOM, NGB Surgeon, and USARC Surgeon an actions pending report for follow-up with the MTF or unit as they deem appropriate.

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