

APPLICATION FOR A REVIEW BY THE PHYSICAL DISABILITY BOARD OF REVIEW (PDBR) OF THE RATING AWARDED ACCOMPANYING A MEDICAL SEPARATION FROM THE ARMED FORCES OF THE UNITED STATES <i>(Please read Instructions on Page 3 BEFORE completing this application.)</i>	OMB No. OMB approval expires
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The public reporting burden for this collection of information is estimated to average XX per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Washington Headquarters Services, Executive Services Directorate, Information Management Division, 1155 Defense Pentagon, Washington, DC 20301-1155 (XXXX-XXXX). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE ADDRESS LISTED ON THE BOTTOM OF PAGE 2.

PRIVACY ACT STATEMENT

AUTHORITY: 10. U.S.C. 1554(a); E.O. 9397.
PRINCIPAL PURPOSE(S): To apply for a review of the disability rating awarded to an individual separated but not retired for being medically unfit.
ROUTINE USE(S): The "Blanket Routine Uses" published at the beginning of the DoD's compilation of Systems of Records Notices apply to this system.
DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA *(The person whose discharge is to be reviewed.) (Print or type all information.)*

a. BRANCH OF SERVICE <i>(X one)</i>	<input type="checkbox"/> ARMY	<input type="checkbox"/> MARINE CORPS	<input type="checkbox"/> NAVY	<input type="checkbox"/> AIR FORCE	<input type="checkbox"/> COAST GUARD
b. NAME <i>(Last, First, Middle Initial)</i>	c. PAY GRADE <i>(at time of separation)</i>		d. DATE OF SEPARATION <i>(YYYYMMDD)</i> <i>(Must be between 11 September 2001 and 31 December 2009 for review) (May be extended)</i>		e. SOCIAL SECURITY NO.

2. FINAL DISABILITY RATING AWARDED BY SERVICE FOR UNFITTING CONDITION(S) <i>(X one)</i>	<input type="checkbox"/> 0%	<input type="checkbox"/> 10%	<input type="checkbox"/> 20%
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3. ISSUES WHY THE RATING FOR THE CONDITION(S) WHICH RENDERED THE MEMBER UNFIT SHOULD BE CHANGED: *(Continue in Item 12 if necessary)*

D R A F T

4. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: *(Continue in Item 13 if necessary)*

5. VETERANS AFFAIRS (VA) RATING INFORMATION *(X all that apply)*

a. I have received a VA disability rating that includes the condition(s) for which I was found unfit. If Yes, I have also been rated for other conditions <i>(list all other conditions in Item 14).</i>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
	<input type="checkbox"/> PENDING		
b. I have attached my VA determination letter <i>(answer N/A if answer to 5.a. is No or Pending).</i> If No, explain in item 14. See item 5 of instructions for pending determinations.	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A

6. VA CONSENT *(X one)*
 To review my service disability rating, I do do not consent to the release of my VA records. I understand that I need to complete, sign and return the attached VA form 3288 (that has been partially completed as an aid for my use) with my application. I further understand the PDRB will send my signed consent to VA for action and that the VA will provide the requested information to the PDRB directly.

7.a. COUNSEL/REPRESENTATIVE <i>(If any) NAME</i> <i>(Last, First, Middle Initial) AND ADDRESS</i> <i>(See Item 7 of the instructions on Page 3 about counsel/representatives.)</i>	b. TELEPHONE NUMBER <i>(Include Area Code)</i> c. E-MAIL d. FAX NUMBER <i>(Include Area Code)</i>
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8. APPLICANT MUST SIGN IN ITEM 11 BELOW. If the record in question is that of a deceased or incompetent person, **LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION.** If the application is signed by other than the applicant, indicate the name *(print)* and relationship by marking a box below.

<input type="checkbox"/> SPOUSE	<input type="checkbox"/> WIDOW	<input type="checkbox"/> WIDOWER	<input type="checkbox"/> NEXT OF KIN	<input type="checkbox"/> LEGAL REPRESENTATIVE	<input type="checkbox"/> OTHER <i>(Specify)</i>
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9.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON IN ITEM 8 ABOVE <i>(Forward notification of any change in address.)</i>	b. TELEPHONE NUMBER <i>(Include Area Code)</i> c. CELL PHONE NUMBER <i>(Include Area Code)</i> d. E-MAIL
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10. I have read the attached instruction for this item and understand that by requesting this review I give up my right under 10 U.S.C. 1552 to petition my Service's Board for Correction of Military/Naval Records to review and correct the rating for the medical condition(s) which made me unfit. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)	CASE NUMBER <i>(Do not write in this space)</i>
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11.a. SIGNATURE (REQUIRED) <i>(Applicant or person in Item 8 above)</i>	b. DATE SIGNED <i>(YYYYMMDD)</i>
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12. CONTINUATION OF ITEM 3 *(If applicable)*

13. CONTINUATION OF ITEM 4 *(If applicable)*

D R A F T

14. CONTINUATION OF ITEM 5 *(If applicable)*

15. REMARKS *(If applicable)*

MAIL COMPLETED APPLICATIONS TO THE ADDRESS BELOW:

**SAF/MRBR
ATTN: PDBR INTAKE UNIT
550 C STREET WEST, SUITE 41
RANDOLPH AFB TX 78150-4743**

INSTRUCTIONS FOR COMPLETING DD FORM 294

Please print or type all information. Items are self-explanatory unless otherwise noted below.

Item 1.b. Use the name which you served under while in the Armed Forces. If your name has been changed, then also include your current name after adding the abbreviation "AKA". If the former member is deceased or incompetent, see Item 8.

Item 2. Indicate the percentage of disability rating for the condition(s) which rendered you unfit. **This is the only rating that the PDBR will review.**

D R A F T

Item 3. You may, but are not required to, explain why you believe the rating is inaccurate. If you make no assertion, your rating will still be reviewed for accuracy and fairness.

Item 4. In accordance with DoDI 6040.44, you will be afforded at least two weeks prior to a review of your rating to provide documentary evidence outside DoD possession (including, for example, evidence from civilian medical providers). Unless requested by a Service Record Assembly Unit, you need not provide your Service medical records or the record of your disability separation.

Item 5. Indicate whether you have received a VA rating for the unfitting condition(s) and whether you have been rated for another condition(s). You must include the VA determination letter or explain why you do not have it available. The PDBR will consider the rating awarded by the VA for your unfitting condition(s) and compare it in reviewing your Service disability rating with particular attention to a VA rating with an effective date within 12 months of your separation. (See DoDI 6040.44 Enclosure 3, paragraph 5(a)(4) for more details.) Delay submitting this application if you want the PDBR to consider a pending VA rating; it will not reconsider a case.

Item 6. This consent is required for the PDBR to gain access to your VA records. If you do not consent, the PDBR will review your disability rating, but will not conduct the comparison discussed in Item 5 above.

Item 7.a. - d. Skip or enter N/A (not applicable) if you do not have a representative/counsel. If you later obtain the services of either, inform the Board immediately. The military services do not provide counsel representation nor do they pay the cost of such representation. Contact your local VA office or Veterans Service Organization for further information about other organizations that may assist you.

Item 8. If the former member is deceased or incompetent, the application may be submitted by the next of kin, a surviving spouse or a legal representative. Legal proof of death or incompetency and satisfactory evidence of the relationship to the former member must accompany this application.

Item 9.a. Indicate the address to be used for correspondence regarding this application. If you change this address while this application is pending, you should notify the PDBR immediately.

Item 10. By requesting a PDBR review, **you are giving up your right under 10 U.S.C. 1552** to petition your Service's Board for Correction of Military/Naval Records **to subsequently review the rating for the medical condition(s) which rendered you unfit. The decision of the Secretary on this issue will be final.** You may still ask your Service Board for Correction of Military/Naval Records (BCMR/BCNR) to **consider other issues including those related to your disability separation.** If you have filed with your Service BCMR/BCNR prior to the implementation of DoDI 6040.44 (June 27, 2008), you may still request PDBR review of your disability rating.

COMPARISON - BCMR/BCNR VS. PDBR REVIEW OF RATING

CHARACTERISTIC	BCMR/BCNR	PDBR
Panel Composition	3 civilians in grade of GS-15 and above.	3 military officers in grade of 05/06 (or civilian equivalents).
Review Authority	May apply for review of military record, within three years of error/injustice (may be waived in the interest of justice).	Medical separation 20% or less where member did not retire finalized between 11 September 2001 and 30 September 2009 (may be extended).
Review Process	Application submitted, medical, personnel or legal advisories prepared and served on applicant with chance to comment before panel review and vote.	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	Recommendation or decision.	Recommendation only.
Burden of Proof	Member has the burden of proof to establish error or injustice. There is a presumption of regularity.	Member need not allege anything, review accomplished upon request.
Standards	Will correct errors in records and/or remove an injustice.	Rating reviewed for fairness and accuracy.
Impact of subsequent VA Rating	Within discretion of the Board.	Will compare VA rating with particular attention to one given within 12 months.

Item 11.a. and b. A signature and date, entered by the applicant or people identified in Item 8, are required.