



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
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WASHINGTON DC 20350-1000

SECNAVINST 1850.4F
ASN (M&RA)
27 Jun 2019

SECNAV INSTRUCTION 1850.4F

From: Secretary of the Navy

Subj: DEPARTMENT OF THE NAVY DISABILITY EVALUATION SYSTEM

Encl: (1) References
(2) Responsibilities

1. Purpose. To establish policy, assign responsibilities, and provide procedures for referral, evaluation, return to duty, separation, or retirement of service members for disability per references (a) through (h). This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 1850.4E.

3. Applicability. This instruction applies to the Offices of the Secretary of the Navy (SECNAV); Chief of Naval Operations (CNO); Commandant of the Marine Corps (CMC); Chief, Bureau of Medicine and Surgery (CHBUMED); U.S. Navy and U.S. Marine Corps installations; Office of the Judge Advocate General, commands, activities, and field offices; and all other organizational entities within the Department of the Navy (DON).

4. Policy

a. The Disability Evaluation System (DES) is the mechanism for determining fitness for duty, separation, or retirement of service members because of disability, per references (a) through (h).

b. Service members will proceed through one of two DES processes: Integrated Disability Evaluation System (IDES) or Legacy Disability Evaluation System (LDES). Service members will use the IDES process for all newly initiated cases referred under the duty-related process except for Service members approved for the LDES process. The objective for all DES processes is to collaborate with the Department of Veterans Affairs (VA) to ensure continuity of care, timely processing, and seamless transition of the Service member from the DON to

the VA in cases of separation or retirement due to disability. It is the Department of Defense's policy for Service members to process through the IDES unless a compelling and individualized reason for process through the LDES is approved by the SECNAV.

c. The standards for all determinations related to disability evaluations will be consistently and equitably applied to all Service members and be uniform within the Active and Reserve Components of the Navy and Marine Corps.

d. Reserve Component (RC) Service members who are not on a call to active duty of more than 30 days and who are pending separation for non-duty related medical conditions may enter the DES for a determination of fitness and whether the condition is duty related.

e. In determining a Service member's disability rating, DON will consider all medical conditions, whether individually or collectively, that render the Service member unfit to reasonably perform the duties of the member's office, grade, rank, or rating. A service member may be determined unfit as a result of the combined effect of two or more conditions even though each of them, standing alone, would not cause the Service member to be referred into the DES or be found unfit because of disability.

f. Service members who are pending permanent or temporary disability retirement and who are eligible for a length of service retirement at the time of their disability evaluation may elect to be retired for disability or for length of service. However, when retirement for length of service is elected, the member's retirement date must occur within the timeframe that a disability retirement is expected to occur.

g. Service members may not be discharged or released from active duty because of a disability until they have made a claim for compensation, pension, or hospitalization with the VA or have signed a statement that their right to make such a claim has been explained, or has refused to sign such a statement.

h. RC Service members on active duty orders specifying a period of more than 30 days will, with their consent, be kept on active duty for disability evaluation processing until final disposition by the SECNAV. Per reference (f), RC Service members may elect to be released from active duty before completion of DES processing. Upon such an election, these

Service members will receive counseling in accordance with reference (g).

i. The SECNAV may authorize separation on the basis of congenital or developmental defects that cannot be rated for compensation under the VA's Schedule for Rating Disabilities if the defects, circumstances, or conditions interfere with assignment to or performance of duty. In such cases, Service members may be processed for administrative separation pursuant to applicable DON regulations. These Service members will not be referred to the DES unless the defect was subject to superimposed disease or injury during military service or other potentially unfitting conditions exist that may have been incurred or aggravated by military service.

j. It is not within the mission of the DON to retain members on active duty or in the Reserve components to provide prolonged, definitive medical care when it is unlikely the member will return to full military duty. Accordingly, Line Commanders, Commanding Officer (CO) of Military Treatment Facilities (MTF), and individual medical and dental officers shall promptly refer into the DES those members presenting for medical care whose physical or mental fitness to continue naval service is questionable.

5. Responsibilities. See enclosure (2).

6. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page:
<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.



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<https://www.secnav.navy.mil/doni>

REFERENCES

- (a) 10 U.S.C.
- (b) DoD Instruction 1332.18 of 5 August 2014
- (c) DoDM 1332.18 Volume 1, Disability Evaluation System (DES)
Manual: General Information and Legacy Disability Evaluation
System (LDES) Time Standards of 5 August 2014
- (d) DoDM 1332.18 Volume 2, Disability Evaluation System (DES)
Manual: Integrated Disability Evaluation System (IDES) of
5 August 2014
- (e) DoD 1332.18 Volume 3, Disability Evaluation System (DES)
Manual: Quality Assurance Program (QAP) of 21 November 2014
- (f) DoD Instruction 1241.01 of 19 April 2016
- (g) SECNAVINST 1770.5
- (h) DoD Instruction 6495.02 of 24 May 2017

RESPONSIBILITIES

1. Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)) shall:

a. Oversees the DON DES and resolves disability cases referred to SECNAV under this instruction.

b. Ensures the DES is fully integrated among all process stakeholders.

c. Staffs and provides resources to meet DES performance goals without reducing Service members' access to due process.

d. Provides training on the policies and procedures of disability adjudication for Physical Evaluation Board (PEB) members and appellate review authorities.

e. Forwards data submissions for the DES Annual Report to the Deputy Assistant Secretary of Defense (Health Services Policy & Oversight) ASD(HSP&O).

f. Uses the Inspector General (IG) to review compliance with DES operational requirements contained in this instruction and per reference (b) every three fiscal years for the preceding three-fiscal-year period and forwards the IG report to the Under Secretary of Defense (Personnel & Readiness).

g. Investigates all matters pertaining to the DES and resolves as appropriate.

h. Provides an O-6 or civilian equivalent with a sufficient understanding of the DES to represent the DON at the Disability Advisory Council.

i. Refers fit but unsuitable cases to the PEB for re-adjudication at the request of Chief of Naval Personnel (CHNAVPERS) or Deputy Commandant of the Marine Corps, Manpower and Reserve Affairs (DC, M&RA).

j. Ensures compliance with reference (h) in cases where restricted reporting of sexual assaults is discreetly disclosed to the Medical Evaluation Board (MEB) or PEB for only the

purposes of a fitness for continued service or disability determination.

2. Director, SECNAV Council of Review Boards (DIRSECNAVCORB) shall:

- a. Oversees the overall management, integrity, and efficiency of the PEB and issues internal instructions to interpret and implement this instruction.
- b. Refers any case to ASN (M&RA) for resolution if in disagreement with a disposition proposed by the PEB or as required by this instruction.
- c. Directs disability separations and retirements.
- d. Provides funding, facilities, automated data processing, and personnel support to the PEB.
- e. Designates a case to be of special interest.
- f. Submits recommendations to ASN (M&RA) for legislative proposals and changes.
- g. Liaises with the Office of the Secretary of Defense; VA; CHNAVPERs; DC, M&RA; Commander, Navy Reserve Force (COMNAVRESFOR); BUMED; and the Judge Advocate General (JAG) in matters associated with the DES.
- h. Provides advisory opinions to the Board for Correction of Naval Records upon request. Ensures a clinical psychologist or psychiatrist is assigned to the case when the issue involves a mental health condition; advisory opinions shall be completed within 60 days of receipt.
- i. Maintains a system of records, including PEB records and correspondence files.
- j. Considers Petitions for Relief from Service members who wish to appeal the findings of a formal PEB hearing.
- k. Performs such other specific duties and exercises such other discretionary authority as elsewhere set forth in this instruction.

l. Provides monthly reporting to ASN (M&RA) when overall PEB IDES timelines are not being met, to include corrective actions taken.

3. President, Physical Evaluation Board (PPEB) shall:

a. Implements PEB elements of the DES, per references (a) through (e) and this instruction.

b. Supervises and directs the daily activities of the PEB.

c. Establishes billet/position assignment criteria for all PEB elements within the DES.

d. Establishes procedures to develop and implement standardized training programs, guidelines, and curricula for personnel assigned to the PEB.

e. Maintains records of and verifies staff compliance with PEB training requirements.

f. Prepares data submissions for the DES Annual Report and forwards to ASN (M&RA).

g. Establishes a quality assurance process that:

(1) Ensures policies and procedures established by this instruction are fairly and consistently implemented.

(2) Ensures the accuracy and consistency of PEB determinations and decisions.

(3) Monitors the proper performance of duties of personnel assigned to the PEB.

(4) Ensures the PEB Legal Advisor performs a legal sufficiency review of Informal Physical Evaluation Board (IPEB) and Formal Evaluation Board (FPEB) determinations.

(5) Conducts quality assurance reviews in accordance with the laws, directives, and regulations governing disability evaluation and publishes quality review procedures.

h. Complies with the requirements of reference (h), enclosure (4), paragraph 5, in cases where information from a restricted report of sexual assault is disclosed to the MEB or PEB for the purpose of a fitness for duty or disability determination. The protected information is limited to only the information necessary to process fitness for duty or disability determinations for Service members. Disclosure shall be limited to the officials participating in the processing and adjudication of the MEB and PEB and shall not cause a restricted report to become unrestricted. All restricted reporting information remains confidential and protected.

i. For IDES cases, establishes procedures to accept the disability rating(s) awarded to each of the compensable unfitting conditions, as determined by the PEB, rendered by the VA Disability Rating Activity Site pursuant to references (a) through (e) in determining separation and other administrative matters.

4. Chief of Naval Operations (CNO) and Commandant of the Marine Corps (CMC) shall manage MTFs, Line Of Duty (LOD) investigations, Reserve personnel LOD status, Permanent Limited Duty (PLD) members, and the Temporary Disability Retired List (TDRL) in their respective service to meet the policy and procedural objectives in this instruction.

5. CHNAVPERS/Deputy CMC, Manpower and Reserve Affairs shall:

a. Provide alternate Reserve members for service on the PEB upon request of the PPEB.

b. Manage the TDRL, per references (a) through (e) and this instruction.

c. Adjudicate members' requests for continuance on active duty in a PLD status, authorizes retention on PLD, and administers PLD orders for those personnel consistent with references (a) through (e) and this instruction.

d. Provide statements of service, fitness reports, and performance evaluations to the PEB.

e. Execute appropriate disposition of members whose disability evaluation is complete.

f. Establish procedures to ensure that, with the consent of the Service member, the address and contact information of the Service member is transmitted to the department or agency for VA of the state in which the Service member intends to reside after retirement or separation.

g. Establish procedures to provide, with the consent of the Service member, notification of the hospitalization of a member of the Navy or Marine Corps who was evacuated from a theater of combat and admitted to an MTF within the United States to the senators representing the state and the member, delegate, or Resident Commissioner of the House of Representatives representing the district where the Service member's home of record is located, or a different location as provided by the Service member.

h. Before demobilizing or separating a RC member who incurred or aggravated an injury or illness while on active duty, provide the Service member with information on:

(1) The availability of care and administrative processing through military affiliated or community support services.

(2) The location of support services, whether military affiliated or community, located nearest to the permanent place of residence of the Service member.

i. Issue LOD determination letters to eligible RC members.

j. Inform RC members Not Physically Qualified (NPQ) of their appeal rights and, if more than 15 and less than 20 qualifying years, eligibility for special retirement under section 12731(b) of reference (a).

k. Recommend appropriate changes to this instruction to the ASN (M&RA) via the DIRSECNAVCORB.

l. Ensure applicable laws and procedures are followed prior to the separation of any member who has been referred into the DES while concurrently being processed for misconduct.

m. Ensure no members are denied re-enlistment or are separated due to unsuitability for worldwide assignment or

deployment due to the same condition for which the PEB found the member fit.

n. Shall not authorize without approval of the SECDEF involuntary administrative separation or deny reenlistment of any member determined by a PEB to be fit for duty based on a determination that the member is unsuitable for deployment or worldwide assignment when separation or denial of reenlistment is based upon the same medical condition considered by a PEB during the fit for duty evaluation of the member. ASN (M&RA) may direct the PEB to reevaluate any such member when he or she has reason to believe a member's medical condition considered by the PEB during the fit for duty evaluation renders the member unsuitable for continued Military Service based on the same medical condition.

o. Performs such other specific duties and exercises such other discretionary authority as elsewhere set forth in this instruction.

6. CHBUMED shall:

a. Provides medical and medical personnel support as required by the ASN (M&RA), DIRSECNAVCORB, PPEB, CHNAVPERS, DC, M&RA, COMNAVRESFOR, and Commander Marine Forces Reserve (COMMARFORRES) in support of the DES and TDRL. Assumes responsibility for all PEB Liaison Officer (PEBLO) services set forth in section 1222(b) of reference (a).

b. Establishes and executes agreements to support the disability processing of members who receive medical care from other military departments.

c. Establishes procedures to ensure Service members who are hospitalized or receiving treatment at a VA or non-governmental facility are referred, processed, and counseled in accordance with this instruction and in a manner similar to their peers.

d. Establishes procedures to ensure MTF compliance with time standards in references (a) through (e), this instruction, and any other applicable guidance.

e. Establishes and publishes quality review procedures and conducts quality assurance reviews in accordance with the laws, directives, and regulations governing disability evaluation.

f. Ensures MTF COs establish MEB membership and procedural rules in compliance with this instruction and provide professional medical guidance in accordance with accepted medical standards.

g. Establishes procedures to develop and implement standardized training programs, guidelines, and curricula for DON personnel assigned to MTFs, personnel responsible for completing MEB reports, and PEBLOs.

h. Establishes procedures to ensure MTF COs review MEB reports for completeness and competency, and MTF COs provide MEB reports complying with this instruction to the PEB.

i. Provides additional information as requested by the PEB.

j. Ensures personnel necessary to DES processing are provided adequate facilities and equipment at the MTFs, including PEBLOs, VA Military Service Coordinators (MSCs), Government DES Counsel, and others. When possible, provides co-located facilities to ease Service member processing.

k. Nominates Medical Corps officers of requisite education and experience to serve on the PEB.

l. Recommends to the ASN (M&RA) changes to this instruction via DIRSECNAVCORB.

m. Performs such other specific duties and exercises such other discretionary authority as elsewhere set forth in this instruction.

7. Commander, Navy Reserve Force/Commander, Marine Forces Reserve shall:

a. Issue Line of Duty Benefits (LODB) status letters to eligible USN and USMC RC members.

b. Provide USN and USMC RC members without an LODB letter with a MEB report, notice of the MEB decision, and Service member rights.

c. Establish procedures to ensure Navy Operational Support Centers (NOSCs) and Marine Corps Inspector Instructor (I-I) compliance with time standards in references (a) through (e) and this instruction.

d. Establish procedures to develop and implement standardized training programs, guidelines, and curricula for NOSC and I-I personnel overseeing Medical Retention Review and DES cases.

8. JAG shall:

a. Provides Government DES counsel to advise and represent Service members during the DES process (IPEBs and FPEBs) and any subsequent appeals to the DIRSECNAV CORB and ASN (M&RA) relating to the final disposition of Service member disability cases. Legal counsel, whether Navy or Marine Corps judge advocates or civilian attorneys employed by the DON, will be provided at no expense to the Service member. Government DES Counsel will be located at the PEB Formal Board Division for FPEB cases and at major MTFs for IPEB cases.

b. Establishes policy, training, and procedural guidance for the Government DES Counsel consistent with references (a) through (e).

c. Ensures appropriate staffing levels for Government DES Counsel advising and representing Service members in the DES process. Provides travel funding for any Government DES Counsel whom the Government DES Counsel Program Manager determines is required to appear in person at a member's FPEB hearing.

d. Serves as the appellate review authority for combat-related determinations and for inactive reservists found not eligible for an LODB letter.

e. Provides advisory opinions to the SECNAV Council of Review Boards, PEB, or ASN (M&RA).

f. Recommends to ASN (M&RA) via DIRSECNAVCORB appropriate changes to this instruction.

g. Conducts legal sufficiency reviews of flag and general officer cases.

h. Conducts legal sufficiency reviews of PEB determinations when requested by SECNAV, DIRSECNAVCORB, or PPEB.

i. Performs such other specific duties and exercises such other discretionary authority as elsewhere set in this instruction.