### PROCEDURES OF THE FORMAL PHYSICAL EVALUATION BOARD

These procedures are set forth in the Disability Evaluation Manual, SECNAVINST 1850.4E.

The Presiding Officer will ask you to state your name, rank/rate, social security number, and your present duty station (if you are on active duty), or home address (if you are on TDRL). The Presiding Officer will ask if you or your counsel have any challenges for cause of members comprising the Formal Physical Evaluation Board (PEB). If there are any challenges, the proceedings will be adjourned until the challenge is resolved.

If you desire to give sworn testimony, the Presiding Officer will administer the oath to you and any witness.

Your counsel will proceed with a direct exam designed to elicit testimony from you regarding your conditions. After the attorney finishes, the Presiding Officer will ask if you are available for questioning by the members of the Formal PEB. When the Board members have finished with their questions, any witness will be questioned by your counsel and then will be questioned by the Board members should they so desire. If appropriate, the medical member of the Formal PEB may, with your consent, conduct a limited physical examination.

The Presiding Officer will afford both you and your counsel the opportunity to present anything further to the Formal PEB about your medical condition that has not been covered in previous testimony. You may make a final personal statement if you so desire. The Formal PEB will then be closed for deliberations.

Upon completion of deliberations, the Formal PEB will forward its findings to the President, PEB for final approval and your findings will be mailed to you on the results of the hearing.

### RIGHTS OF THE MEMBER

Your rights before the Formal PEB are established by the Secretary of the Navy in the Disability Evaluation Manual (SECNAVINST 1850.4E).

Enclosure 1

You have the right to:

- 1. Personal presence. If personal presence would be injurious to your health, notify your counsel without delay.
- 2. Representation by qualified legal counsel. This counsel may be appointed military counsel, other military counsel of your choice (if considered reasonably available by his/her Command), or by civilian counsel of your choice, at your expense (no expense to the Government). Also, DAV representatives are available for hearings at the Formal PEB on Tuesdays and Thursdays only. If a DAV representative is considered, then please notify the Formal PEB so you can be scheduled accordingly. If you elect to be represented by counsel of your choice, the appointed military counsel may assist as associate counsel.
- 3. <u>Access</u> to all records pertinent to your case and to all reference material used by the Formal PEB.
- 4. Challenge Formal PEB members for cause. You may challenge any voting member of the Formal PEB for cause by disclosing the grounds for such challenge (e.g., establishing that a Board member may not impartially evaluate your case).
- 5. <u>Presentation of evidence in your own behalf</u>. Your testimony may be oral or written, sworn or unsworn, and may be given by you or your Counsel. You may remain silent. If you testify under oath, the Formal PEB may question you.
- 6. <u>Secure</u> witnesses, records, dispositions, affidavits, and statements on relevant issues, insofar as practicable.
- 7. Cross-examination of witnesses when presented by the panel.
- 8. Presentation of arguments in your behalf.
- 9. Have the issues decided only on evidence presented to the Formal PEB.
- 10. File a Petition for Relief from final action of the PEB decision. At your request, your appointed military counsel will help in the preparation of this grievance.

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### \*\*IMPORTANT INFORMATION\*\* FROM THE NAVAL LEGAL SERVICE OFFICE, NORTH CENTRAL

Subj: PREPARING FOR YOUR FORMAL BOARD HEARING

- 1. You have requested a hearing before the Formal Physical Evaluation Board (the "Board"). This letter is intended to advise you of important information about the process and to assist you in preparing for your case.
- 2. Check the Hearing Date. The important first step is to check your hearing date. Rescheduling is subject to Board approval and will be granted only in limited circumstances. As soon as you receive your hearing date, check that date against your calendar and make sure that it does not conflict with any critical work/school commitments or medical appointments which pertain specifically to conditions to be considered at your hearing. If you have a conflict, please notify your attorney immediately so that s/he can file a reschedule request with the Board.
- 3. Your Right to Counsel. For the Formal Board process, you are entitled to representation by an attorney. You have been assigned an attorney from the Naval Legal Service Office, North Central, located at the Navy Yard in Washington DC. Additionally, you may hire a civilian attorney at your own expense. Your assigned counsel is responsible for assisting you in preparing and presenting your case. This attorney is your advocate, but this is your hearing. Your PEB attorney will advise you on the process and on what he or she believes will be most persuasive and convincing to the Board, but it is your responsibility to secure, prior to your arrival at the Board, all documents and other materials pertaining to your desired petition.
- 4. The Formal Broad Process, In General. The Formal Board is an administrative process that is charged with making findings concerning the fitness and eligibility for disability benefits of those service members appearing before the Board. In carrying out this function, the Formal Board provides the member with his statutory right not to be separated for unfitness without first being offered the right to a hearing. The Formal Board process is considered "non-adversarial," which means there are not two "parties" that appear before the Board. Instead, only

you and your counsel appear. The Board will review your records, including any additional information you wish to present, and will render an opinion based on the matters presented to them. The Formal Board is not bound by the Informal Board's findings; in fact, the findings of the Informal Board are void once the Formal PEB convenes. Formal Board will, however, consider the evidence that was presented to the Informal Board along with any additional relevant and pertinent documentation which you provide to them in the form of medical records, doctor's letters, medical board addendums, oral testimony, and the like. Formal Board will not independently collect any records or documents beyond that which was considered by the Informal Instead, the Formal Board will expect you, the Board. service member, to provide all the documentation of medical treatment, prescribed therapy, medications and any other relevant documentation to support a rationale for your petition. Your attorney will help you determine what information to compile in order to present a persuasive petition and assist you in organizing your exhibits and testimony, but you must gather the records and forward them to your counsel as soon as possible.

- 5. Begin Preparing Now. Time is of the essence. Please contact your assigned attorney at the Naval Legal Service Office, North Central as soon as possible, so that you and your attorney can begin preparing your case. During the initial conversation, please be prepared to discuss the following:
- a. Your goals for the hearing (e.g., a specific disability % rating, retention on the Temporary Disability Retirement List, transfer to the Permanent Disability Retirement List, etc.)
- b. Your current status (e.g., whether you are still under treatment for ratable conditions, time left on the TDRL, etc.)
- c. Your Veteran's Administration disability rating (if applicable)
- d. Any medical documentation you have to support your petition to the Formal Board (including civilian, military, and emergency room records from the date you first entered the TDRL OR since your last TDRL evaluation and ALL Veteran's Administration medical records including your % disability ratings notice and rationale sheet). THIS INFORMATION IS VERY IMPORTANT AND YOU MUST OBTAIN, OR BEGIN WORKING TO OBTAIN, THIS INFORMATION

Enclosure 2

### IMMEDIATELY. DO NOT WAIT UNTIL YOU HAVE SPOKEN WITH YOUR ATTORNEY.

- e. Your current address and phone number(s).
- 6. Other Possible Documents. In addition to the medical documentation listed above, you may also want to start seeking out "observational letters" from supervisors, coworkers, friends and/or family who see you on a frequent or regular basis and who can describe the ways in which they see your injuries or illnesses affecting your ability to fully participate in the civilian job market. These letters should be dated and signed, but there is no need to have them notarized. In some cases, it may also be helpful to begin keeping a personal daily log of your condition including entries on symptoms suffered, medications taken, and treatment sought. Please forward these non-medical documents along with the pertinent copies of your medical documents as soon as possible.
- 7. <u>Contacting Your Attorney</u>. Office hours are Monday to Friday, 0800 to 1630. You may contact your attorney as follows:
- By Phone: You can reach the Administrative Office at (202) 685-5580. You can reach LT Whittemore at (202) 685-5597. Because of hearing schedules and prehearing meetings, staff attorneys can be difficult to It is imperative that you leave a message on the voicemail of your assigned counsel with your daytime and home phone numbers, and your hearing date. Your assigned counsel will make every effort to return your call promptly. Please be patient and again, do not wait until you have spoken to your attorney to start gathering the documents necessary to support your case. Bring copies of all your documentation, including anything you faxed or sent in advance in case those copies were illegible, AND your medical treatment record and service record, to your meeting with your attorney.
- b. **By Fax**: Often the most efficient way to forward information to your attorney is via fax at the Naval Legal Service Office, North Central at (202) 685-5596/5542.
  - c. By Mail: Mail more voluminous documents to:

NAV	AL LEGAL	SERVICE OFFICE,	NORTH	CENTRAL
PEB	COUNSEL	(ATTN: LT		)

BLDG. 183, 624 WARRINGTON STREET, SE WASHINGTON NAVY YARD, DC 20374-5016

Note: You can also request that your military, civilian, or Veteran's Administration medical facility fax your records directly to us. (Attention: PEB Counsel). Often you will be required to sign a release of medical information form in order to do this.

- 8. The day before your hearing you will meet with your attorney at the Naval Legal Service Office, North Central which is located in Building 200, Ste. 250 on board the Washington Navy Yard, DC. Bear in mind that the Naval Legal Service Office does not have cognizance over administrative, berthing and/or travel matters. Please direct all such inquiries and concerns to the Secretary of the Navy Council of Review Boards administrative staff located in Building 36, Room 309, (202)685-6432.
- 9. Please do not hesitate to contact your counsel if you have any questions concerning your case.

The following information is provided to help you in the execution of your orders in connection with your Formal Physical Evaluation Board hearing at the Washington Navy Yard DC.

### Transportation to Washington DC

Your air travel or driving mileage to Washington DC is a reimbursable expense. Your travel arrangements will be made by the SECNAVCORB travel coordinator.

It is recommended that you limit your luggage to one small carry-on bag to facilitate your use of public transportation while visiting several locations in the DC area.

If you're driving it is suggested that you use the internet to research driving directions. Your starting address will be your current location and your ending address with be "8<sup>th</sup> & M Street SE, Washington, DC".

### Lodging

All members: Lodging is available for a maximum of three (3) nights on a first come first serve basis at the "Inns of Bolling" located on Bolling Air Force Base, Washington DC. You are responsible for calling and making your own reservations. You must call the reservation desk (with credit card ready) as soon as you receive this letter. The reservation number is (202) 561-2558. The preferred and most expeditious method is via email by sending a request to iannette.jackson@bolling.af.mil. Please ensure that you reference the fact that you're coming for a Formal PEB in the email. If you cannot easily climb stairs or require handicap accessibility, please notify the reservation desk at the time of your initial request. (There is no elevator available at the Inns of Bolling.) You may make your reservation up to 30 days prior to your hearing. DO NOT delay in making reservations, as there are limited rooms available. If Bolling BEO is unavailable, you must obtain and submit a "Bolling Statement of Non-Availability" to receive reimbursement for commercial lodging expenses. A negative email response from the above lodging@bolling.af.mil will suffice.

If the Inns at Bolling are unavailable, below is a listing of hotels close to the Washington Navy Yard. Additionally, the number for the Navy Lodge is provided. You WILL NOT be reimbursed for the use of taxicabs in and around Washington DC as public transportation is readily available. If you are not driving your privately owned vehicle and are unfamiliar with the use of public transportation you may encounter delays in meeting your arrival times. Use of government berthing at the "Inns of Bolling" is strongly encouraged as transportation is provided by the government. If you must make hotel reservations ensure you request the government per diem lodging rate, currently capped at \$233/night, but subject to change based on season and fiscal requirements. If the government rate is unavailable at your chosen hotel, you will only be reimbursed up to the cap after submitting your travel claim.

### Hotels:

Courtyard by Marriott-Capitol Hill/Navy Yard 140 L Street SE Washington, DC 20003 202) 479-0027 3 block walk or bus to WNY Metro: Free shuttle (3blk)

Capital Skyline Best Western Phone: (202) 488-7500 10 I Street SE, South Capital Drive Washington, DC 20024

Bellevue (Navy Lodge) Phone: (202) 563-6950 12 Bowline Green SE Washington, DC 20032

NDW Anacostia Annex (Officers Only-BOQ) Phone: (202) 433-3862 Fax: (202) 433-4095 2819 Robbins Drive SE Washington, DC 20032

Sheraton National Hotel Phone: (703) 521-1900 900 South Orme Street Arlington, VA 22204

Best Western Pentagon Phone: (703) 979-4400 2480 S. Glebe Road Alexandria, VA Metro: Free Shuttle (2mi)

Doubletree Hotel
Phone: (703) 416-4100
300 Army Navy Drive
Arlington, VA

Hawthorn Suites
Phone: (703) 370-1000
420 N. Van Dorn St
Alexandria, VA
Metro: Free shuttle (1mi)

Residence Inn-Old Town Phone: (703) 548-5474 1456 Duke Street Alexandria, VA Metro: Free shuttle (2blk)

Hampton Inn Phone: (703) 329-1400 5821 Richmond Hwy Alexandria, VA Metro: Free shuttle (1mi)

Homestead Suites Phone: (703) 329-3399 200 Blue Stone Rd Alexandria, VA Metro: No shuttle (1mi)

Residence Inn - Pentagon Cty Phone: (703) 413-6630 550 Army Navy Drive Arlington, VA Metro: Free shuttle (1.5blk)

Virginian Suites Phone: (703) 522-9600 1500 Arlington Blvd

Arlington, VA Metro: Free shuttle

Other hotels are available in the immediate the area. You may use a travel service or the internet to find and book reservations, however, you must ensure that the rate is within the authorized government rate. You will not be reimbursed for any expenses exceeding your per diem.

### Transportation to the Washington Navy Yard:

There are various means of public transportation in the Washington Metro area. If you are using commercial air transportation, you should arrange travel into Washington Reagan National Airport (DCA) in Washington, DC. You can visit the following web site for more information on transportation: <a href="https://www.washingtondc.worldweb.com/Transportation">www.washingtondc.worldweb.com/Transportation</a>

From Washington Reagan National Airport (DCA): The METRO Rail subway is the easiest and least expensive mode of ground transportation to the Washington Navy Yard. The ticket fare is roughly \$2.30 and you should have cash and coins available although credit and debit cards may be used in some stations. Once you arrive at DCA, take the Yellow Line from the airport METRO station. Take the Yellow Line train going toward Mt. Vernon Square. Once it leaves the airport METRO station it will stop at three stations and then proceed to the L' Enfant Plaza Station. You will need to get off the train at L' Enfant Plaza Station and transfer to a Green Line train traveling towards the Branch Ave. Station. Direction signs are clearly visible in the station. Take the Green Line train two stops and exit at the Washington Navy Yard station. Once you come out of the subway you will be on M Street SE. Once oriented, you will need to walk about three (3) blocks up M Street and enter the Navy Yard at the Main Gate on the corner of M Street and 6<sup>th</sup> St. If you are unable to walk that distance you may take the Metro Bus or you may chose to hail a taxi at your personal expense. The METRO Bus stops at the WNY Metro stop and proceeds directly to the WNY Main Gate. Refer to the WNY map for directions to Building 183 (Navy Legal Services Office).

<u>POV</u>: If you are in the local area and decide to drive (see orders for local area), you MUST ensure that your vehicle's DoD stickers are current and valid. Failure to do so will result in untimely delays when attempting entry to the WNY Base and Bolling AFB. Vehicle parking at the WNY is extremely limited and parking immediately outside the base is even more difficult to locate. For those reasons, it is recommended that you do NOT drive your POV on the hearing days. If you access the base via POV, you must park in the Visitors Section of the parking garage. Depending on which gate you enter, ask the Security Guard for directions to the authorized parking garage. Once at the garage, notify the attendant that you are here for a formal hearing at the Secretary of the Navy Council of Review Boards, Physical Evaluation Board in Bldg 36. The attendant will direct you to park on the top level. If there is no attendant present proceed to the top level.

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Enclosure 3

Reporting: You are not required to report in uniform on your day of arrival. However, you are required to get your orders endorsed by the Formal PEB Admin Section; this will be done on the day of your hearing. If you travel to Washington and subsequently decide to accept your Informal PEB findings, you must see the FPEB Admin Assistant before departing the area to have your orders endorsed.

YOU MUST HAVE A <u>VALID MILITARY ID</u> PRIOR TO ATTEMPTING ENTRY ON TO A MILITARY BASE. If you ID is expired, you must contact your nearest military installation to obtain a new military ID. Failure to do so may result in your inability to access the base. <u>BE SURE TO CARRY A COPY OF YOUR ORDERS AT ALL TIMES.</u>

On the day prior to your hearing, you are required to check in with the Navy Legal Services Office (NLSO), located in Bldg 183, 624 Warrington St SE, Washington Navy Yard, DC 20374-5016 (202) 685-5580 (refer to the WNY map for directions), to meet with your assigned attorney. You will need to report to the NLSO between the hours of 0800 and 1300. If you can arrive earlier, please do so. If you have difficulty in finding the location, please call (202) 685-6432. (Do not report to NLSO before the day prior to your hearing!)

Your formal hearing will be convened in Bldg 36 on the scheduled day. Your legal counsel will provide you details on the scheduled hearing time.

\*\*\*After your meeting with your counsel at WNY, you may proceed to Bolling AFB (Inns of Bolling) by using the government shuttle van service (15 passenger van with a RT 12 sign in the windshield). The shuttle bus runs every hour to and from the WNY (Bldg 197 pick up point) to the main billeting building (Blanchard Hall) on Bolling AFB. See enclosed maps for locations of pick up and drop off.

Hearing Day: The RT 12 shuttle van's scheduled first pick up at Blanchard Hall is at 0620. The van leaves at 0620 sharp! Members should proceed to the Air Force side of Blanchard Hall to catch the shuttle. (As you look at the building, the AF side is to your LEFT!) The RT 12 shuttle van will proceed to the WNY and drop off passengers at Bldg 197. The van runs on an hourly basis. The last pick up at the WNY will be at 1641 hours and will drop off at Blanchard Hall. If you miss the last pick up time, you will need to take a taxi back to Bolling AFB at your own expense. It is highly recommended that you make all your appointments and reservations as early as possible. You are encouraged to check out of berthing prior to coming over to the WNY, because your hearing will extend past check out time. You should plan on proceeding directly to the airport after your hearing. \*\*\*

<u>Taxi services</u>: If you want a taxi to pick you up on base, you must call one of the numbers below and schedule a pick up. You may also walk to the gate, exit the base, and hail a taxi.

Washington Flyer: (70

(703) 801-4884

 Red Top Cab:
 (703) 522-3333

 Yellow Cab:
 (202) 544-1212

 Diamond Cab:
 (202) 387-6200

 Empire Cab:
 (202) 488-4844

 Lincoln Cab:
 (202) 484-2222

 Mayflower Cab:
 (202) 783-1111

### Additional information:

The address of the Formal PEB is:

SECRETARY OF THE NAVY COUNCIL OF REVIEW BOARDS PHYSICAL EVALUATION BOARD 720 KENNON STREET SE, SUITE 309, BLDG 36 WASHINGTON NAVY YARD, DC 20374-5023

Please see the enclosed map of the WNY

Food: It is recommended that you have at least \$50 in cash to cover your daily food costs.

Washington Navy Yard: Food is available from the William the III Coffee Shop in Bldg 36. There is a Town Center Food Court located near the building, which is open 0630-1500 M-F. NO government messing (dining) facility is available aboard the WNY.

Bolling AFB: There is a government messing (dining) facility located aboard Bolling AFB within easy walking distance of the main billeting buildings (Blanchard Hall). Bolling AFB also has clubs and commercial establishments aboard the base where food may be purchased.

<u>Uniforms:</u> The wearing of uniforms is NOT required on your day of check in; however, for both Active Duty personnel and reservists, you are required to report for your formal hearing in the prescribed uniform of the day for the Naval District Washington Area.

### Miscellaneous Information:

Your Physical Evaluation Board point of contact is Ms. Farley at (202) 685-6432. Travel related questions may be referred to Gysgt Shaffer at (202) 685-6089.

Travel claims are processed through your command personnel office. Please ensure that you submit your travel claim within three (3) working days after completion of TAD.

You must ensure that you have enough money to cover your personal expenses for two days. Transportation and food costs can be expensive. The Formal PEB does not have any funds to assist you. The Formal PEB can NOT and will NOT pick up fares and room fees at the time of your check in. Expenses will come out of pocket and you will be reimbursed upon liquidation of your travel claim.

If you have any questions, please contact the above point of contact. The PEB fax number is (202) 685-6882. You can find helpful information on the PEB's website at: <a href="https://www.hq.navy.mil/ncpb/PEB/Physical Evaluation Board.html">www.hq.navy.mil/ncpb/PEB/Physical Evaluation Board.html</a>.

### IT IS YOUR RESPONSIBILITY TO BRING SUFFICIENT PERSONAL FUNDS TO COVER YOUR EXPENSES!

### **Bolling AFB**

LV Blanchard Hall 0620 LV Bldg 600 - DIA 0622

### Anacostia Naval Station

LV Bldg 40	0623
LV Bldg 92	0628
LV Bldg 72	0629
LV ANS	0631

### Washington Navy Yard

LV Bldg 197	0641
LV Bldg 111	0643
LV Bus stop 208	0645

The shuttle will continue on this schedule every hour until the last pick up at Bldg 197 at 1641.

If members have any questions/problems with the shuttle, please contact the motor pool at (202) 433-9533.

# DIRECTIONS TO THE WASHINGTON NAVY YARD

## From Capitol Hill and Mall:

Turn left onto M Street SE. Turn right onto 11th Street. Stay on the right hand-side. Turn right onto the O Street Gate. Click on the link for a map Drive east on independence Avenue. Continue east on Pennsylvania Avenue. Turn right on 8th Street SE. Continue to the end of 8th Street. from Capitol Hill to the Navy Yard.

# From Downtown Washington D.C.:

Freeway (I-395), Take 6th Street, SE exit. The sign also says Navy Yard. Proceed down ramp and continue straight ahead to 8th Street, SE. Turn Take 9th Street, NW (one-way going south) and continue through tunnel under Mall. As you come out of tunnel, take first left onto Southwest left onto M Street SE. Turn right onto 11th Street. Stay on the right hand-side. Turn right onto the O Street Gate

# From Maryland (Northwest of Washington):

ramp and continue straight ahead to 8th Street, SE, Turn left onto M Street SE. Turn right onto 11th Street. Stay on the right hand-side. Turn right Take Beltway I-495 to the George Washington Parkway. Follow Parkway to the 14th Street Bridge. At the end of the Bridge, I-395 branches to the right and becomes the Southeast-Southwest Freeway. Take the Freeway to the 6th Street, SE exit. The sign also says Navy Yard. Proceed down onto the O Street Gate.

# From Maryland (Northeast of Washington: Annapolis, Baltimore):

the 11th Street Bridge going south.) Continue a short distance on I-295 to the 11th Street Bridge exit. The sign also says Navy Yard. At the end of left at the stop sign. Pass under the highway. Make a left at the light. Get back on 1-295 North. (This loop is necessary because there is no exit to Take Baltimore-Washington Parkway (Route 50) to I-295. Follow I-295 to South Capitol Street/Howard Road exit. Keep to the left as you exit, turn the Bridge, exit to the right. At the bottom of the ramp, make an immediate left and make another left onto 11th Street. Turn right onto the O Street Gate

### From Southern Maryland:

Take Beltway (I-495) to I-295 (just before you get to the Woodrow Wilson Bridge). Exit at 11th Street Bridge. The sign also says Navy Yard. At the end of the bridge, exit to the right. At the bottom of the ramp, make an immediate left and make another left onto 11th Street. Turn right onto the O Street Gate.

### From Virginia:

Follow I-395 across the 14th Street Bridge. At the end of the bridge, 1-395 branches off to the right. The road becomes the Southwest-Southeast Freeway (Do not follow signs for I-395 once you cross the bridge). Take the Freeway to the 6th Street, SE exit. Proceed down ramp and continue straight ahead to 8th Street, SE. Turn left onto M Street SE. Turn right onto 11th Street. Stay on the right hand-side. Turn right onto the O Street

# From South Alexandria/Mount Vernon area:

Take Woodrow Wilson Bridge. Exit at end of Bridge to I-295. Exit 295 at the 11th Street Bridge. The sign also says Navy Yard. At the end of the Bridge, exit to the right. At the bottom of the ramp, make an immediate left and make another left onto 11th Street. Turn right onto the O Street

### Metro

Washington Navy Yard 3 Blocks at the corner of New Jersey Ave and M Street

