



OFFICE OF THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-4000

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PERSONNEL AND  
READINESS

MEMORANDUM FOR SECRETARY OF THE ARMY  
SECRETARY OF THE NAVY  
SECRETARY OF THE AIR FORCE

SUBJECT: Requests for Correction of Military Records Relating to Disability Ratings  
for Post Traumatic Stress Disorder

Recent issuances from the Under Secretary of Defense for Personnel and Readiness (USD (P&R)) have sought to address concerns about the disability rating for any member with an unfitting condition of Post Traumatic Stress Disorder. The Veterans Administration Schedule for Ratings Disabilities (VASRD) has two applicable sections. Section 4.129 calls for a temporary rating of not less than 50%, followed by an examination within six months of discharge for an individually assessed rating. Section 4.130 provides standards for a mental health examination to assess the degree of impairment for the member's continuing rating. Historically, the practice of the Military Departments disability agencies was to complete the comprehensive section 4.130 mental health assessment prior to the member's separation, and therefore to dispense with section 4.129.

However, the USD (P&R) "Policy Memorandum on Implementing Disability-Rated Provisions of the National Defense Authorization Act for 2008 (Pub. L. 110-181)," October 14, 2008, directed the application of VASRD section 4.129 to PTSD unfitting conditions, effective as of the date of enactment of that law, January 28, 2008. This insured consistency with the DoD/VA Integrated Pilot Disability Evaluation System, under which both Departments apply the VASRD. That October 14 memorandum, however, left unresolved the issue of considering section 4.129 in connection with case reviews conducted by the Physical Disability Board of Review (PDBR) or a Board for Correction of Military Records (BCMR).

DoD Instruction 6040.44, "Lead DoD Component for the Physical Disability Board of Review," June 27, 2008 (incorporating change 1, June 2, 2009), directs the PDBR in reviewing prior disability ratings to disregard any Military Department guidelines that were inconsistent with the VASRD. While reliance on section 4.130 rather than section 4.129, was arguably consistent with the VASRD, the PDBR has concluded that equity favors giving applicants the benefit of section 4.129. Consultations with the BCMRs indicate recognition of the desirability of consistency among the BCMRs and PDBR in adjudicating these cases.

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OFFICIAL ACTION



Therefore, as a matter of policy, the PDBR and all three BCMRs will apply VASRD Section 4.129 to PTSD unfitting conditions for applicants discharged after September 11, 2001, and in such cases, where a grant of relief is appropriate, assign a disability rating of not less than 50% for PTSD unfitting conditions for an initial period of six months following separation, with subsequent fitness and PTSD ratings based on the applicable evidence.



Gail H. McGinn  
Deputy Under Secretary of Defense (Plans)  
Performing the Duties of the  
Under Secretary of Defense  
(Personnel and Readiness)