



PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

September 24, 2008

CHARTER
Department of Defense Disability Advisory Council (DAC)
Disability Evaluation System (DES)

1. ESTABLISHMENT, OBJECTIVE, AND PURPOSE

1.1. Establishment:

Pursuant to DoD Directive 1332.18, "Separation or Retirement for Physical Disability," this revised Charter continues the DoD Disability Advisory Council (hereafter referred to as the "DAC"), established in 1999 by then-Acting Assistant Secretary of Defense for Force Management Policy. The DAC shall continue to operate under the policy coordinating guidance of the Office of the Deputy Under Secretary of Defense (Military Personnel Policy) (OUSD (MPP)).

1.2. Objectives: The objectives of the DAC are to:

1.2.1. Ensure to the fullest extent possible the fair and equitable determination of Service member's fitness for continued duty. If a Service member is found unfit, ensure the disability rating for the unfit conditions is uniform among the Services.

1.2.2. Ensure Service members move through the Disability Evaluation System (DES) expeditiously; are knowledgeable about the process; are kept informed of the status of their respective cases; and due process rules are strictly followed.

1.2.3. Provide oversight and advice to the DUSD (MPP) and USD (P&R) with regards to the efficient and effective management of the DES.

1.2.4. Provide information for accession policy reviews.

1.3. Purposes:

1.3.1. The primary purposes of the DAC are to:

1.3.1.1. Identify common problems and issues in the administration of the DES.

1.3.1.2. Discuss issues and, if appropriate, make recommendations to the DUSD (MPP) or refer issues to the Benefits Executive, Health Executive or Joint Executive Councils.

1.3.1.3. Identify trends in medical retention that can aid in development of accession policy.

1.3.1.4. Provide oversight to ensure consistency and clarity of guidance and training.

1.3.1.5. Review data and metrics as promulgated in the DES Quarterly Reports and the DES Annual Report, and provide assessments of effectiveness of the DES process.

1.3.1.6. Develop and recommend quality control policies to ensure ratings are applied in a fair and consistent manner. See enclosure 1.

1.3.1.7. Seek comment from and make recommendation to the Assistant Secretary of Defense for Reserve Affairs (or representative) concerning the impact of laws and DoD policy on Reserve members who have conditions that are cause for referral into the DES or medical disqualification.

1.3.1.8. Coordinate with the Assistant Secretary of Defense for Health Affairs in developing recommendations for procedures for medical issues pertaining to medical accession, retention, and workplace and/or patient safety issues as related to disability evaluations.

1.3.1.9. Review substantive changes concerning the DES policies and issuances.

1.3.1.10. Provide a recommendation on proposed changes or comments to the Veterans Affairs Schedule of Rating Disabilities (VSARD). All recommended changes or comments will be forwarded to the Benefits Executive Council (BEC) for consideration. See enclosure 2.

2. ORGANIZATION

2.1. Leadership: The DAC will be chaired by the Director, Officer and Enlisted Personnel Management (DUSD (MPP) OEPM) or a designee at the grade of Colonel or equivalent level civilian.

2.2. Representation:

2.2.1. Permanent OSD members: Office of the Assistant Secretary of Defense (Health Affairs); Office of the Assistant Secretary of Defense (Reserve Affairs); Office of the Deputy General Counsel (Personnel and Health Policy); Office of the Deputy Under Secretary of Defense (Military Community and Family Policy) (Casualty Affairs).

2.2.2. Each Military Department will appoint no more than two representatives that are knowledgeable of MEB/PEB policies and procedures.

2.2.3. The Secretary of the Department of Veterans Affairs will be asked to provide representation from the Offices of the Under Secretary for Benefits and the Under Secretary for Health Affairs.

2.2.4. Adjunct Members:

2.2.4.1. Coast Guard representatives shall be invited to each DAC meeting.

2.2.4.2. The Chair may invite others as expert advisors because of their special knowledge relative to the DES or an issue on the agenda.

2.3. Each Permanent Member of the Military Departments shall be afforded equal representation in matters discussed by the DAC.

2.4. The DAC will meet quarterly or at the discretion of the Chair. The DAC can elect to sponsor working groups to study problems pertinent to the DAC or DES and report findings to the Chair.

2.5. The DAC will maintain records and minutes of Disability Advisory Council meetings, which will serve as the formal work product of the DAC. The Charter will be reviewed annually and updated as required.

3. BUSINESS RULES: Business items presented to the DAC shall be sponsored by a permanent member and published in the agenda before the DAC meeting. The sponsor will provide a concise read-ahead prior to briefing the issue, and, to the extent possible, will make appropriate recommendations to the DAC. If necessary, the Chair may propose a DAC working group to further develop the issue or recommendation. The Chair will forward recommendations based on the consensus of the Council along with all permanent member dissenting positions to the DoD Medical-Personnel Council for discussion or to the DUSD (MPP) or BEC for decision. The DAC can discuss the time-sensitive issues of a critical nature over conference call or electronic means.

4. EFFECTIVE DATE

The DoD DAC Charter is effective immediately.



William J. Carr
Deputy Under Secretary
(Military Personnel Policy)

Enclosures:

1. Quality Control Process
2. Comments on the VASRD

SEP 24 2008

ENCLOSURE 1
Disability Advisory Council (DAC)
Quality Control Review Process

1. PURPOSE, OBJECTIVES, AND PROCEDURES

1.1. Purpose:

The DAC will review selected Disability Evaluation System (DES) outcomes to inform their recommendations to the DUSD (MPP) to ensure Service members are treated fairly and equitably, processed through the DES expeditiously, and that due process rules are properly applied.

1.2. Objectives:

1.2.1. Ascertain if there are inconsistencies in the fitness decision for particular conditions.

1.2.2. Ensure appropriate and consistent application of the Veterans Affairs Schedule of Rating Disabilities (VASRD) rating for unfitting conditions.

1.3. Procedures:

1.3.1. The DAC Chair will, with agreement of the DAC members, determine and identify conditions which are problematic for review. The DAC Chair in consultation with ASD (HA) (CP&P) will propose areas of concern.

1.3.2. The DAC will establish the parameters of the review and formally propose inclusion of the analysis in the DES Quarterly Report.

1.3.3. For more extensive analyses, the DAC will recommended inclusion of the analysis in the DES Annual Report (DAR). Inclusion of major conditions to be reviewed will be part of the recurring annual DAR July Memorandum signed by the USD (P&R).

1.3.3. The DAC will review the Reports and provide written findings and conclusions to the DUSD (MPP) and ASD (HA) (CP&P).

1.3.4. The DAC may solicit copies of actual redacted files from the Military Departments for review by the VBA and the DAC membership. If this is solicited, then the DAC Chair will establish an ad hoc work group to review the redacted files. These reviews will be published by respective condition for the members of the DAC so as to ensure consistency in accordance with 1.2.2.

ENCLOSURE 2
Process for Comments to the
Veterans Affairs Schedule for Rating Disabilities (VASRD)

1. PURPOSE, OBJECTIVES, AND PROCEDURES

1.1. Purpose:

The DAC is the focal point for reviewing proposed VASRD changes for the Department of Defense and providing the Department of Veterans Affairs with comments and recommendations.

1.2. Objectives:

1.2.1. Provide an official process to ensure that proposed changes to the VASRD support the improvement disability evaluation and compensation process as promulgated by the Benefits Executive Council Charter.

1.2.2. Ensure that proposed VASRD changes, additions or deletions are coordinated prior to being provided to the Benefits Executive Council for approval.

1.3. Procedures:

1.3.1. Any DAC member may propose a change to the VASRD. Each proposal must be fully documented with a business case according to the format and procedures prescribed by OASD (HA).

1.3.2. The representative from the ASD (HA)(CP&P) will summarize the proposal in one page with initial thoughts from their perspective. The one-pager will be distributed before convening the quarterly DAC for unofficial comments.

1.3.1. The VBA representative will present other VASRD change proposals to the DAC for discussion.

1.3.3. Each DAC meeting will allow sufficient time for discussion of the comments to the proposed VARS D changes. The comments will be summarized by the OASD (HA) representative and presented to the DAC administrator.

1.3.4. The DAC Chair in consultation with ASD (HA) (CP&P) will approve the summary of the issues for forwarding to the BEC.

1.3.5. The DAC Chair will forward to the BEC administrator a memorandum requesting the BEC review the comments and approve for forwarding to the VA.

1.3.6. The DAC Administrator will maintain records of comments.