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BUREAU OF MEDICINE AND SURGERY
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IN REPLY REFER TO
BUMEDINST 6320.79A
BUMED-M3B1
24 May 2013

BUMED INSTRUCTION 6320.79A

From: Chief, Bureau of Medicine and Surgery

Subj: MEDICAL EXAMINATIONS FOR MEMBERS ON THE TEMPORARY DISABILITY
RETIRED LIST

Ref: (a) Title 10, USC, chapter 61 (2012)
(b) SECNAVINST 1850.4E
(c) MILPERSMAN 1850-030
(d) MANMED Chapter 18, article 18-18
(e) 2008 Defense Authorization Act (NDAA) PL 110-181
(f) SECNAV M-5210.1 of Jan 2012
(g) SECNAV M-5214.1 of December 2005

1. Purpose. To establish procedures for the reevaluation of Navy and Marine Corps members on the Temporary Disability Retired List (TDRL).

2. Cancellation. BUMEDINST 6320.79.

3. Scope. This instruction applies to all Medical Treatment Facilities (MTFs) and their subordinate activities.

4. Background

a. Reference (a) requires the Armed Service Secretaries to place certain members on a list of those temporarily retired by reason of physical disability and to provide for periodic physical examinations of such members at least every 18 months during a 5 year period to determine the continued existence and extent of their disability. This includes members who have waived retired pay to receive compensation from the Department of Veterans Affairs (DVA).

b. References (b) through (d) provide additional information about the TDRL Program which provides the government a safeguard against permanently retiring a member who may subsequently recover fully, or make improvements from the disability which originally placed the member on the TDRL. Conversely, the list provides the member a safeguard from being prematurely, permanently retired with a condition which may develop into a more serious permanent disability.

c. The Chief of Naval Personnel (CNP) or the Commandant of the Marine Corps (CMC) will remove a member's name from the TDRL at such time the Physical Evaluation Board (PEB) determines one of the following conditions exist:

(1) The member is fit for full duty.

(2) The disability is currently ratable at less than 30 percent and the member has less than 20 years of active service, even though the disability has not stabilized.

(3) The disability cannot reasonably be expected to increase or decrease so as to change or terminate the amount of disability retired pay to which the member would be entitled. In any event, a member's case should be finalized by the fifth anniversary of placement on the TDRL.

(4) The member reaches the fifth anniversary of placement on the TDRL.

(5) The member fails to report for a periodic physical examination.

5. Discussion

a. CNP and CMC are responsible for administering the TDRL for their respective Service. Responsibilities include:

(1) Maintaining an accurate account of members on the TDRL.

(2) Designating MTF to provide periodic physical examinations and directing members to undergo these examinations.

(3) Arranging and coordinating with the President, PEB alternate means of examination when members are unable to travel or report for periodic physical examinations due to circumstances beyond their control.

(4) Ordering additional medical information when requested by the PEB.

(5) Monitoring failures to report for periodic physical examinations and taking appropriate actions in such cases.

(6) Implementing disposition of members whose cases are finalized by the PEB, as appropriate.

b. CNP or CMC will coordinate with the most capable MTF nearest the member's current place of residence in order to evaluate and/or reevaluate the member's condition(s) and to order a member to a periodic physical examination. Because Navy TDRL examination requirements differ from those of other services, non-naval MTFs are not obligated to conduct TDRL reevaluations on Navy or Marine Corps members, but may do so based on space and capabilities available.

c. Per reference (b), CNP and CMC are responsible for funding the travel and allowances of TDRL members and any medically necessary attendants.

(1) CNP will issue orders to the member at least 5 working days before the periodic evaluation is due and no later than 3 months before the fifth anniversary of the member's placement on the TDRL.

(2) CMC will issue orders 4 months before the date of a periodic or final evaluation is due. An advance copy of orders will be forwarded to the Marine and the MTF. The original orders will be forwarded to the CMC (MMSB-16), medical records section.

(3) CNP and CMC will match these orders with the member's medical boards and previous TDRL reevaluations on file at the PEB and forward to the designated examining MTF. If the evaluating physician needs the member's entire Service medical record to complete the reevaluation, the MTF should request a copy from the Department of Veterans Affairs, Records Management Center, P.O. Box 5020, St. Louis, MO 63115-5020.

d. Members on the TDRL are responsible for maintaining current contact information to include: physical address, e-mail address, and phone numbers with the appropriate finance center and CNP or CMC at all times. It is also the member's responsibility to attend their periodic appointments. Failure to attend periodic appointments will result in suspension of their pay until again in compliance with TDRL requirements. By law, TDRL pay will be terminated at the end of the 5 year TDRL period if a final disposition is not reached prior to that point.

6. Action

a. Scheduling Physical Examinations for U.S. Navy Personnel. Upon receipt of notification from CNP to schedule a re-evaluation appointment, the MTF is responsible for:

(1) Arranging all required appointments as indicated in the notification from CNP. The MTF may assist, but is not responsible for arranging the member's travel.

(2) Coordinating with the member to eliminate scheduling conflicts.

(3) Prioritizing specialty appointment access. Consult CNP if all required appointments cannot be arranged in a timely fashion or within the shortest reasonable timeframe.

(4) Notifying CNP when appointments have been created and agreed upon by the member. CNP will then create and issue a travel authorization for the Service member.

b. Scheduling Physical Examinations for United States Marine Corps Personnel. Upon receipt of member's travel orders, the MTF must:

(1) Contact the member to schedule their required appointments.

(2) Coordinate with the member to eliminate scheduling conflicts.

(4) Notify CMC when appointments have been created and agreed upon by the member. Head Quarters Marine Corps will then create and issue a travel authorization for the member.

c. Physical Examination

(1) The facility to which the TDRL member has been ordered is responsible for providing the physical examination, and reporting in full detail all physical impairments and physical findings associated with each impairment of the TDRL member.

(2) TDRL members ordered to an MTF for a periodic physical examination are priority patients. Naval MTFs must provide the examination without delay.

(3) The physician must perform a general physical examination and preventive screening and counseling as appropriate for age and gender along with a comprehensive evaluation of the condition for which the member was placed on the TDRL including all physical impairments from which the member has recovered and any new ones acquired while on the TDRL. The physician must obtain any consultations, or laboratory or radiological tests, or studies needed to document the member's physical condition.

(4) The physician must convene a competency board, per reference (b), if a member not previously declared incompetent is considered to be incompetent at the time of the TDRL examination. Per reference (e), TDRL reevaluation appointments for Post Traumatic Stress Disorder (PTSD) are required within 6 months of the member's placement on the TDRL.

d. Report of the Periodic Reevaluation

(1) Prepare the report in medical board, letter, or narrative format. Because a TDRL reevaluation does not require the convening of a medical board, there is no requirement for a Medical Board Report Cover Sheet, a second physician's signature, or the convening authority's signature.

(2) The TDRL report must contain:

(a) The current address and telephone number of the member, the name of the MTF, and the date of the report.

(b) An interval history since the last examination with particular reference to the member's employment and work time lost due to the disability for which retired.

(c) The results of the physical examination including any consultations, clinical evaluations, and laboratory studies necessary to document the member's physical condition.

(d) Information about the member's current condition and prognosis, including current stability and the likelihood of significant change within the remaining statutory time the member might remain on the TDRL. A comparative estimate of changes relative to the member's previous condition.

(e) In the case of psychiatric disabilities, a statement on the current degree of impairment of industrial and social adaptability and a statement on whether disclosure to the member of information relative to his or her physical or mental condition, or a personal appearance before the PEB would be detrimental to the member's physical or mental health.

(3) Whenever a member on the TDRL was earlier found mentally incompetent or incapable of managing his or her affairs, the report must contain either a statement that the member continues to be incompetent or a finding of restoration of competency. A report of restoration of competency may be done by one or two physicians, one of whom must be a psychiatrist. The MTF commanding officer must ensure liaison with the Office of the Judge Advocate General.

e. Subsequent Report Processing

(1) Unless disclosure of the information contained in the report would adversely affect the member's physical or mental health, mail the member a copy of the report with instructions to send any comments directly to the President, Physical Evaluation Board (TDRL), Navy Council of Personnel Boards, 720 Kennon Street, S.E., Room 309, Washington Navy Yard, DC 20374-5023. If the member is incompetent, mail the guardian a copy of the report.

(2) The MTF commanding officer must forward the report together with the medical records and a copy of the member's orders within 30 days following completion of the examination to the President, Physical Evaluation Board (TDRL), Navy Council of Personnel Boards, 720 Kennon Street, S.E., Room 309, Washington Navy Yard, DC 20374-5023. Encrypted e-mail is also an acceptable means of submitting the report transmittal. Contact the PEB at (202) 685-6431 for the current encrypted e-mail address.

(3) The MTF Patient Administration Department staff shall report members scheduled periodic evaluation appointments within the Medical Board Online Triservice Tracking (MedBOLTT) system or other appropriate system if available.

f. Completion of member's travel voucher

(1) The MTF is responsible for stamping the travel authorization or creating a memorandum to verify the member's arrival and departure dates and times. The member requires this verification for inclusion in their travel voucher.

(2) Upon completion of medical examination and travel, U.S. Navy members will complete their travel claim using the Travel Voucher Kit provided by CNP and return it via e-mail, fax, or conventional mail options as indicated in the Travel Voucher Kit. Members must submit a completed voucher within 5 working days for processing.

(3) Upon completion of medical examination and travel Marine Corps members will submit a voucher to CMC/MMSR-4 per the instructions included with their orders.

g. Special Circumstances

(1) If a member who has difficulty in traveling (e.g., paraplegic patients) is ordered to an MTF for reevaluation, the MTF may obtain a medical report from the member's attending civilian physician and submit this report to the PEB instead of an evaluation at the MTF. The report must contain all the required information outlined in paragraph 4c and be endorsed by the medical board convening authority or designated representative.

(2) If a TDRL member being followed at a VA medical center is ordered to an MTF for reevaluation, request the DVA submit a TDRL reevaluation report directly to the PEB. Specify the requirements listed in paragraph 4.c. when making a request to the DVA. Return the member's orders and medical records to the Navy or Marine Corps with a copy of the request to the DVA.

7. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per reference (f).

8. Report Exemption. The reporting requirements contained in this instruction are exempt from reports control by reference (g), part IV, paragraph 7p.



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