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NOTICE OF RIGHT FOR PHYSICAL EVALUATION BOARD READJUDICATION

This letter is your notification that you are eligible for re-adjudication of your Physical Evaluation Board (PEB) findings. On September 27, 2022, the United States District Court for the District of Columbia in the class action case *Torres v. Del Toro* granted summary judgment in favor of the class and ruled that the Navy's Properly Referred Policy, administered by the PEB between September 12, 2016 and June 11, 2018 via Secretary of the Navy Council of Review Boards Policy Letters 2016-3 and 2017-4, was unlawful. As a result, the District Court vacated and set aside the PEB decisions for each class member and remanded the cases involving the following class members to the Secretary of the Navy for further proceedings:

“All veterans of the United States Navy and Marine Corps whose final Physical Evaluation Board occurred between September 12, 2016 and June 11, 2018 who claimed additional conditions in the applicable section of the joint DOD/VA claim form (VA Form 21-0819) that were not listed on the last-dated NAVMED Form 6100/1 signed by the Convening Authority and who did not receive a medical retirement through the IDES.”

In accordance with the District Court's ruling, the Department of the Navy has established the *Torres* Class Action Review Board (CARB) as a remedial PEB process for those impacted. To that end, the CARB is reissuing PEB findings for those identified as members of the class. Class members who desire further review of their PEB findings may request review consistent with this letter by submitting an Election of Options (EOO) and any new evidence to the CARB/PEB within 180 days (discussed further below). If class members do not want further review of their PEB case, no action is required, and your case will be closed after 180 days. If no review is requested, there will be no impact to your current status and benefits. You may also elect to accept your findings and return the EOO, and your case will be closed upon receipt of your EOO.

Enclosed with this notification, please find: 1) your PEB findings and 2) a blank Election of Options. **If you desire further review of your PEB findings, you must submit the EOO to the CARB/PEB by either e-mail or U.S. mail within 180 calendar days from the date of this notice.** Should the PEB not receive an EOO from you within 180 days, the CARB/PEB will presume that you agree with the original findings and will finalize your case based on the enclosed PEB findings.

If you elect a review, your findings will be readjudicated through the Informal CARB process and, if subsequently elected by you, a Formal CARB hearing and Petition for Relief. This process is not bound by the original findings. Specifically, that means the readjudicated findings can be higher, the same, or lower than the original findings. Once new findings are issued through the readjudication process, however, there is not an option to go back to the original findings.

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If you elect further review, it is strongly encouraged that you state on your Election of Options the result that you desire and provide additional medical or non-medical evidence to support your position. Desired results may include, but are not limited to: (1) having additional medical conditions found unfitting, (2) being placed on the Temporary or Permanent Disability Retired List, and/or (3) having a medical condition be determined combat-related or incurred in a combat zone. Medical evidence to support your position may include, but is not limited to, treatment notes or a statement/letter from a healthcare provider. Non-medical evidence may include, but is not limited to, statements or letters from family, friends, or fellow Service members about a medical condition. Any medical condition, symptom, or diagnosis that you wish to be found unfitting must have existed at the time you were separated from the Naval service.

The Election of Options and additional evidence must be sent to the CARB/PEB by U.S. mail or e-mail to one of the following addresses:

Physical Evaluation Board
Attn: Torres Reviews
Secretary of the Navy Council of Review Boards
720 Kennon Avenue SE, Ste 309
Washington Navy Yard, DC 20374-5023

Or via e-mail: peb_peblo_comms.fct@navy.mil

The CARB/PEB will re-adjudicate cases pursuant to the law, regulation, and policy that was in effect from September 12, 2016 through June 11, 2018. These include: United States Code, Title 10, Chapter 61; Department of Defense Instruction 1332.18, "Disability Evaluation System," of August 5, 2014; Secretary of the Navy Instruction 1850.4E, "Department of the Navy (DON) Disability Evaluation Manual," of April 30, 2002; as well as other regulatory guidance that applied to the PEB while the Properly Referred Policy was in effect.

The CARB/PEB will perform initial re-adjudications as an Informal PEB (document review only). After the Informal CARB/PEB, the class member will be informed of their new finding via United States mail. Once the initial readjudication is performed as an Informal CARB, the class member will not have the option to go back to the original PEB finding. If the class member is unsatisfied with that new Informal CARB/PEB finding, the class member may elect a Formal CARB/PEB hearing. If unsatisfied with that Formal CARB/PEB finding, the class member may submit a Petition for Relief to the Director, Secretary of the Navy Council of Review Boards. For additional information about Informal/Formal PEB hearings and Petitions for Relief, please see Secretary of the Navy Instruction 1850.4E.

Should you wish to speak to an attorney about this letter, assistance is available, free of charge, from government counsel. Government counsel is available through the Department of the Navy's Office of the Judge Advocate General, Disability Evaluation System Counsel Program (DESCP). The DESCP may be reached at (202) 875-1198 or DESCP_TorresUnit@us.navy.mil. You may also obtain advice from non-government civilian counsel or a Veterans Service Organization at no expense to the government.