



Ministry
of Defence

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FOI2019/12849

E-mail: Navysec-foimailbox@mod.gov.uk

[REDACTED]

11 December 2019

Dear [REDACTED],

Release of Information

Thank you for your correspondence of 12 November 2019 in which you requested the following information:

'Could you please send me the publications detailing:

1. The Royal Navy's and
2. The Royal Air Force's

procedure for applying for and the policy of the award of a Retrospective Medical Discharge.

The Army's procedure and policy are set out at Part 12 of AGAI Vol 2 Ch 78.'

Your enquiry has been considered to be a request for information in accordance with the Freedom of Information (FOI) Act 2000.

A search for the information has now been completed within the Ministry of Defence and I can confirm that some information in scope of your request is held.

In respect of the Royal Navy (RN), I can advise you that there is no policy for Retrospective Medical Discharge (RMD). Due to the number of requests for RMD, the RN has developed a standardised letter which provides advice and guidance to individuals which is enclosed with this letter. In addition, there is also the policy which covers serving personnel attending a Medical Employability Board (MEB) in their final year of service. This is the policy which states that those individuals in their last year of Service (including those who have submitted notice to Premature Voluntary Release) will not attend the Medical Board of Survey or the MEB unless one of the exceptions applies. This is set out in BR1991 para 0809 which is enclosed with this letter.

With regard to the Royal Air Force, the term 'Retrospective Medical Discharge' is not used, however, guidance on the process of 'Mode of Exit Review' can be found detailed in paragraph 32 and 33 of AP3392 Volume 2 Leaflet 1410 which is enclosed with this letter. Please be advised that this guidance is currently under review.

I should also advise that, as some of the information was designed for internal purposes only and not intended for public distribution, the enclosed documentation has been redacted to remove any personal information in accordance with Section 40(2) of the FOI Act. Section 40(2) applies to personal data relating to third parties. The release of personal information relating to other individuals would contravene the principles of the Data Protection Act 2018.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-ma). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

Navy Command Secretariat - FOI Section



NAVY COMMAND

SO1 Medical Personnel and Policy



NCHQ Med Div/

Telephone: [Redacted]
Fax: [Redacted]
Email: [Redacted]

Address

04 May 18

REQUEST FOR RETROSPECTIVE MEDICAL DISCHARGE

Sir

Thank you for the letter dated XXXXX requesting a review of your discharge from Service with the aim of receiving a retrospective medical discharge.

Medical Discharge Process

The process for invalidating a serving member of the Royal Navy and Royal Marines is managed by the Naval Service Medical Board of Survey (NSMBOS), held under the authority of ACOS (Med) and is the ultimate authority that determines an individual's highest permitted permanent employment medical category (Medcat). The remit of the NSMBOS is to consider the medical condition of officers, ratings and other ranks of the RN and RM, to determine their highest medical employability category along with any work or deployability restrictions. It is important to note that this board does not have the authority to review individuals who have already left the Service.

It is Admiralty Board policy that when *serving* members of the RN and RM are recommended for discharge, or retention in a permanently reduced Medical Category, the NSMBOS' recommendations are subject to endorsement by the Naval Service Medical Employability Board (NSMEB). The NSMEB represents the Ministry of Defence as the 'employer' and is the authority on whether or not an individual who is permanently medically downgraded should be retained or discharged from the Naval Service. In reaching this decision, it considers such factors as the expected manpower situation during the period in which personnel might be retained and the likely availability of positions where individuals with employment restrictions may be employed without unacceptable detriment to the Service and to the assignments of other personnel in the branch concerned.

Service Complaint

A person who is no longer subject to Service law (ie, they have left the Armed Forces) but thinks they were wronged in any matter relating to their service which occurred while they were still serving, may make a complaint about that matter under the Service Complaint process as

described in JSP 831 Part 1 Version 1.1 (Effective from 22 January 2016) - Redress of Individual Grievances: Service Complaints¹.

A service complaint must be made within a period of three months, starting from the first day of the occurrence of the complaint matter. In most circumstances, a service complaint received more than three months after the matter complained of occurred will be ruled 'out of time'. However, it can be ruled 'in time' if it is considered that it is just and equitable to do so. If a complainant has left the Armed Forces, the complaint should be made to the Commanding Officer of their last unit. If you are unsure of your last unit or the Units no longer exists, then an alternative is to write to the office of the Service Complaints' Ombudsman² who will forward details of your grievance to the relevant Service who will deal with the matter.

Compensation Schemes

There are a number of compensation schemes administered by Veterans UK³ on behalf of the Ministry of Defence available to serving and former serving personnel who are injured as a result of their service in the armed forces. The scheme that applies to each individual will depend on when and where you served.

1. The Armed Forces Compensation Scheme
Veterans UK
Pensions Division
Mail Point 480
Kentigern House
65 Brown Street
Glasgow
G2 8EX

You can claim under the Armed Forces Compensation Scheme (AFCS) where the illness or injury was caused as a result of service on or after 6 April 2005.

2. The War Pensions Scheme

You can claim under the War Pensions Scheme (WPS) if you are no longer serving and your disablement was caused as a result of service in the armed forces before 6 April 2005. Veterans can make a claim for compensation under the schemes detailed without having being medically discharged from service. All correspondence should be submitted to Veterans UK.

The War Pensions Scheme
Veterans UK
Tomlinson House
Norcross
Thornton-Cleveleys
FY5 3WP

Kind regards



0809. NSMBOS in the Last Year of Service

a. The benefits resulting from medical discharge under the terms of the Armed Forces Pension Schemes are in part recognition of the fact that an individual's pension-earning service career can be compulsorily terminated early. Clearly, when an individual is able to fulfil a paid engagement or commission to normal terminal date and qualify for an immediate pension, then no substantial financial disadvantage occurs. Unless approved exceptionally, it is policy that individuals should not normally be medically boarded in their last year of service.

b. Where a referred individual will be, or is in their last year of service, the President NSMBOS will decide whether the individual should appear before a Medical Board to be assessed for a permanent JMES. In general, it is appropriate for the individual to continue serving for the relatively short remainder of their current engagement, or commission, in a temporary JMES together with any associated employment restrictions. A temporary JMES provides the same level of protection in the work environment as that afforded by a similar NSMBOS permanent JMES.

c. The remit of the NSMBOS is to set the highest appropriate JMES and therefore when individuals are boarded in the last year of Service, the referring MO should make it clear to the individual that the process neither guarantees nor will necessarily result in medical discharge.

d. **Guidelines.** The following guidelines are used to determine whether such individuals are accepted for NSMBOS:

(1) **Medical Conditions Causing Minor Disability which come to Light for the First Time During the Last Year of Service.** When an extant permanent or regularly reviewed temporary downgraded JMES can provide adequate protection in the work environment then such cases are not considered suitable for NSMBOS except where continuance in Service until the date of retirement could significantly affect the condition and safety of the patient.

(2) **Medical Conditions Causing Minor Disability which are Repeats of, or a Development from, Earlier Disabilities.** When an extant permanent or regularly reviewed temporary downgraded JMES can provide adequate protection in the work environment then such cases are not considered suitable for NSMBOS except where continuance in Service until the due date of retirement could significantly affect the condition and safety of the patient.

(3) **Medical Conditions of a Long-standing Nature with no Adverse Effect on Health by Continuance in Service.** Not normally cases for NSMBOS when covered by extant permanent or regularly reviewed temporary medical JMES.

(4) **Unfit for Full Service Duties Earlier than Last Year of Service but Retained (e.g. in a Permanently Reduced JMES).** Only to be referred to NSMBOS if there has been a significant improvement or deterioration in the medical condition or development of a new condition and such changes significantly affect work, mobility limitations or patient safety.

(5) **A New Medical Condition, arising in Last Year of Service Causing Major Disability or Significant Work/Mobility Limitations.** Normally cases for NSMBOS and should be discussed with President NSMBOS.

e. **Definition of Terms.** The definitions of terms used in this section are:

(1) **Last Year of Service.** The last year of a pensionable commission or engagement. It includes officers whose applications for voluntary retirement and ranks or ratings whose notice to terminate their engagement (submitted notice) under extant regulations has been approved and accepted.

(2) **Minor Disability.** A medical condition or injury that will not be exacerbated or aggravated by the individual continuing to work until TX. This may include being in an appropriate downgraded category. The condition/injury is unlikely to preclude regular employment, but the employment may have to be of a sedentary nature (e.g. conditions such as back pain, knee pain, hearing loss and non-terminal tumours).

(3) **Major Disability.** A medical condition or injury that is almost certain to preclude regular employment in the foreseeable future as a result of physical or mental Impairment (e.g. CVA, terminal cancers, severe heart conditions, chronic pulmonary disease, serious neurological disability, serious psychiatric illness). It should be noted that inability to perform any type of Naval employment currently (ie sick-on-shore) does not automatically fall into this category.

GUIDANCE FOR UNIT HR STAFF ADMINISTERING PERSONNEL WITH AN IMPENDING RAF FORMAL MEDICAL BOARD AND SUBSEQUENT EMPLOYMENT REVIEW BOARD

1. This leaflet outlines the Employment Review Board (ERB) process and associated administrative processes that may be directed by Manning as a result of an individual being awarded a reduced permanent Joint Medical Employment Standard (JMES). Below are specific guidelines for individuals and unit HR Staffs who are reminded that ERBs are potentially unsettling for those involved. Senior Personnel staffs are to monitor the progress of all Service personnel subject to an ERB on their respective units and provide support in the form of careers advice in addition to any necessary welfare support individuals may require.

Award of Permanently Reduced JMES by a Formal Medical Board

2. Personnel are required to maintain particular standards of medical fitness in order to carry out their duties in the widest range of locations and conditions. A reduced JMES may restrict an individual's employability and therefore their eligibility for further service and/or promotion.

3. An individual holding a temporary JMES for 18 mths will be referred to a Formal Medical Board (FMB) at RAF Henlow¹. At the FMB, medical staff will either decide the individual is unfit for further service and recommend a medical exit, or award a permanent working JMES². If the latter, the individual will then be subject to an ERB to determine further employability or mode of medical exit in accordance with QR 1421 and QR 1422 (officers), QR 526A (non-commissioned aircrew) or QR 531/621 (ground trades airmen). The procedure outlined below is to be followed, except where an individual has been assessed as temperamentally unsuitable for Service life, in which case action in accordance with AP3392, Vol 2, Leaflet 709 is to be taken.

ERB Process – Pre FMB Actions

4. **Medical Actions.** Unit Medical staff will brief the individual on the FMB procedure prior to their attendance at RAF Henlow. The individual will be required to sign a disclosure consent form as part of their FMB appointment to allow specified Manning staff at HQ Air and related authorities to see limited caveated medical information in order to appropriately assess their continued employability³.

5. **Unit HR Action – Interview 1.** Unit HR will be notified of an impending FMB by the ERB Clerk at Manning, HQ Air. As soon as possible the individual is to be interviewed to assess their personal circumstances and determine the level of support they may require⁴ which must be recorded by the HR staff on Annex A to this leaflet in addition to using a Unit ERB register to monitor the case to conclusion. It is vital that Unit HR staff ensure individuals are aware that the Medical staff at RAF Henlow may discuss or recommend to the SP that they are discharged from the Service (see para 30 for details) and to fully understand the implications of this. If there is any doubt that the subject will not be able to cope with any matters arising at the FMB, then serious consideration should be given to providing an Assisting Officer who can remain emotionally detached from the proceedings.

¹ AP1269 details FMB process in full.

² Working JMES is defined as P7 or above (above A-4 L-5 M-5 E-5) full details on JMES levels are contained within AP1269A.

³ AP1269, Leaflet 2-01 Annex E. Consent for disclosure of Protect Medical information.

⁴ Annex A, Appendix 1 has been produced to help HR Staff identify areas of discussion.

ERB Process – Post FMB Actions

6. **Unit HR Action – Interview 2.** Once it is known that an individual will be subject to an ERB, a letter will be sent to Unit HR staff from the ERB Clerk to pass onto them at interview during which the forthcoming ERB process will be explained (using Appendix 1 to Annex A if necessary). At the interview the SP is to be handed a copy of Annex B to provide them with an understanding of the process they will now be subject to. Furthermore, the SP is to receive Appendix 2 to Annex A – an 'ERB Individual Statement'. The submission of this Statement to the ERB Clerk at HQ Air is mandatory and, where necessary, the individual should be assisted to complete it. The Statement will be used to inform the ERB members of the individual's perspective on the impact of the medical limitations on their employment⁵. In addition, information that would be of value to the ERB should include whether an individual is content to remain in the Service until his/her exit date irrespective of any potential career limitations which may be imposed as a result of the lowered JMES. Alternatively, an individual may express a desire to leave, in which case they are to be advised to read, and fully understand, Annex B to this leaflet which explains potential implications for their pension. Unit HR should monitor, using the Unit ERB register to ensure that the ERB Individual Statement is returned to the ERB Clk at HQ Air promptly, as the ERB will not proceed without it.

7. **Unit Action - Support by Chain of Command.** The Chf Clk is to ensure that any change of permanent JMES resulting from the FMB, including limitations of employability, are notified to the individual's OC using the proforma at Appendix 3 to Annex A⁶. This notification also serves to inform the LM of the impending ERB in order for the individual to be supported and their needs accommodated throughout the process. JMES and associated information is sensitive, personal information and must be handled iaw the Data Protection Act.

8. **ERB Initiation.** An ERB is initiated by Manning following a FMB to review each case where an individual's JMES has been permanently reduced below the following standards:

- a. Aircrew – A2 L2 M1 E1 (With the exception of those at sub-para b).
- b. Aircrew Officers of at least Gp Capt rank who are aged 45 or over - A3 L2 M1 E1.
- c. Non-Aircrew - A4 L2 M1 E1.

9. **General Principles of Employability.** A reduced JMES does not automatically lead to a decision to terminate service. The ERB will consider the following factors:

- a. The current and future employability of the individual.
- b. The likelihood of recovery from the illness/disability.
- c. The current and forecast manning situation in the individual's specialisation.
- d. The length of time the individual still has to serve on current terms of service.
- e. In the case of Aircrew who have lost a flying category, whether the individual has elected to be discharged on under QR 1421(4) or QR 526A(4)(b).

10. **Document Format.** The ERB process is to be conducted electronically as far as possible and will therefore rely on all relevant statements and inputs from Units being submitted in a

⁵ Unit HR staff are to offer and provide guidance to the subject to compile their Individual Statement and to monitor its submission to the ERB Clk at HQ Air.

⁶ Once the FMB has occurred JPA will be updated with the permanent JMES and limitations (JPA CM (Read Only) actor), at which point Appendix 3 to Annex A is to be completed.

scanned PDF format or in MS Word. To assist both Unit HR and individuals in understanding the end-to-end process of an ERB, a flowchart is provided at Annex C.

11. **Unit HR Action – Disclosure (Interview 3).** The conclusions of the ERB will be documented on the form at Annex D. Medical Casework will complete Part 1 and the form will then be passed to the individual's Career Manager/ Desk Officer to complete Part 2. At this point the comments will be sent to Unit HR staff to disclose to the individual to allow him/her to review their ERB Individual Statement in light of the comments of the ERB to date and to update it, including any further points as necessary (i.e. if their medical condition or circumstances have altered), prior to a final ERB decision. The individual may require further guidance or advice at that point from their Unit HR staffs using Appendix 1 to Annex A if necessary. The amended ERB statement is then printed, signed, scanned and returned by Unit HR by email back to the ERB Clerk; alternatively, the Individual Statement can be returned by email as long as it can be seen in the email trail to have been endorsed by the subject. This event is to be recorded on the Unit ERB register.

12. The ERB form is then passed to the Deciding Officer for a final decision. The rank of the Deciding Officer depends on the rank of the individual and will come from the Manning TCoS team or, if a Wg Cdr or higher, the Deciding Officer will be DACOS Ground/ Air or ACOS Manning.

13. **Review Options.** The options open to the ERB are as follows:

- a. To retain in the RAF in their current specialisation (branch, category or trade as applicable). See para 14 for more details.
- b. To retain in the RAF, but considered for another specialisation. See para 15 for further details.
- c. To terminate (retire/discharge) from the RAF. See paras 26 - 28 for further details.

14. **Retention.** An individual who remains employable may be retained for Service reasons within their specialisation, albeit possibly with limitations placed on general service and/or precise areas of employment. Retention may be subject to conditions such as a further review date.

15. **Change of Specialisation.** All personnel found to be permanently below the JMES standard required to conduct the full duties of their specialisation, or are unlikely to reach that standard within a reasonable time, may be considered for and, if suitable, offered an alternative specialisation. If the individual in their response to disclosure has agreed to consider another branch or trade, then 22 (Trg) Gp will be asked to complete Part 4 of Annex D - options to re-muster. Where it is felt appropriate, Manning may offer alternative terms of service to suit the new specialisation. Personnel who do not accept a transfer or change to their Terms of Service will be discharged.

16. **Unit HR Action - ERB Notification (Interview 4).** Once the ERB has concluded, the decision will be notified to the Unit by letter sent via email. Senior HR staff are then to inform the individual by way of interview (using Appendix 1 to Annex A if necessary) and hand them a copy of the ERB letter from Manning. The individual will then be required to complete the acknowledgement certificate (copy at Annex E) within 20 working days⁷; where necessary, unit HR staff should support them to make an informed choice regarding the outcome of the ERB. This interview and the acknowledgement are to be monitored on the Unit ERB register. The exit options available are detailed later in this leaflet. Personnel electing to remain will have their Terms and Conditions of Service amended accordingly. Personnel, whose service is to be terminated, will be advised of their confirmed mode of exit by a further letter from Air Personnel Casework (APC), HQ Air.

⁷ Completed Annex E is to be scanned in PDF format and returned electronically to ERB Ck HQ Air.

17. **Review Period.** If an individual's medical limitations have an impact on their employability, the ERB may nevertheless decide to retain the individual until the next conditioned exit point (i.e. their EED), subject to a future review of employability⁸. This is done when long-term employability remains uncertain or where the medical condition is not stable or there is an indication the condition may improve/ deteriorate. Subsequent ERB reviews are staffed in the same manner as the initial ERB including disclosure to the individual, as shown at Annex C, with the same outcomes available as detailed at para 13. In addition, permanently downgraded individuals will continue to be subject to periodic JMES reviews which are set by unit medical staff. At this JMES review, the individual will not normally be required to appear before a FMB but unit medical staff will ask them to report to review and discuss their limitations and medical condition. When an ERB review is due, where possible, the review date will be aligned to the JMES review date set by unit medical staff.

18. **Appeal.** Should an individual wish to appeal the decision of the ERB, which can include if they believe their JMES has affected their career prospects, contrary to the view of the ERB, then they should do so using Annex F. Appeals will be reviewed by Manning staff who are both senior in rank and impartial to the Deciding Officer.

Career Implications of Reduced JMES

19. **Promotion.** Personnel with a permanently reduced JMES will be considered by promotion boards on merit in line with their peers and both those pre-boarding and the Promotion Selection Boards are not made aware of an individual's JMES. If selected, a separate Manning Review Board (MRB)⁹ will decide whether the individual can be promoted or should be deleted from the Promotion Selection List. The critical factor is whether the individual can continue to be employed within their limitations at the next rank. Secondary factors are: the manning needs of the Service, the aspirations of the individual, the effect on others in the same rank/trade and the equitable treatment of personnel in a similar position throughout the Service, all which are all taken into account by the MRB.

20. **Further Service.** A JMES below A4 L2 M1 E1 (A2/A3 L2 M1 E1 for aircrew) normally means that the individual concerned is unfit to undertake the full range of duties anywhere in the world. Full fitness for worldwide service is a basic requirement for entry to the RAF and for further service and if individuals cannot meet this criterion they will not normally be allowed to extend their current terms of service¹⁰. However, the Service will, wherever possible, retain individuals for the period of their existing terms - notwithstanding the limitations placed on their employability. Nonetheless, the RAF is not obliged to accept restricted employability (or the possibility of increasing disability) beyond the end of an individual's current term of service. Therefore, further service cannot be guaranteed and is subject to the Service manning requirement and a reasonable prognosis for employability.

Termination Options Available to Individuals with a Lowered JMES

21. Not all personnel subject to an ERB are offered an option to elect to leave the Service. Only where it is considered that the medical limitations have unacceptably affected the individual's career prospects, will the option to leave the Service via an alternative Administrative Exit to normal ET terms (see para 23 for details) be offered in the ERB notification letter. If is not offered, then the individual can challenge that decision by completing Annex F to Leaflet 1410. If it is determined that they are not able to remain in the RAF and must leave due to ill health, then Unit HR staff will be informed by Casework 1, APC. Individuals are also encouraged, if they have not already done so, to apply to the Armed Forces Compensation Scheme (AFCS) for an assessment of their injury/illness which could lead to the award of a single payment or a Guaranteed Income

⁸ If a review is set, it is usually within a maximum period of 3 years from the previous ERB.

⁹ Manning Review Board comprising of Terms and Conditions of Service staff and the Career Manager.

¹⁰ AP3392 Vol 2 Lflit 580 refers.

Payment (GIP) paid following their exit from the Service. The following paragraphs explain the various options which may be offered to personnel with a lowered JMES:

22. **Election to Leave – Administrative Exit.** As the fundamental need of an armed Service is for its members to be fit for the full range of duties in their trade or branch anywhere in the world, a lowered JMES of A4 L3 M1 E1 or below can impact on the ability of an individual to have a full career and they may be given the option to leave the Service as a result¹¹. Exit will be under the following QRs:

- a. Officers – QR 2906(3).
- b. Ground trades – QR 607(10)(f)(i) or (ii).

23. Although exit terms for those who elect to leave will be similar to an Early Termination (ET), including the immediate cease of any RRP, exit dates will usually be arranged as soon as administratively possible, normally within 6 mths, and will not normally be subject to ET waiting times (subject to Service need). **This type of exit does not attract ill health benefits**¹², only earned benefits i.e. resettlement grant, pension/preserved pension dependant on length of service and rank held. As the individual retains the right to elect to exit under this QR as long as they hold a lowered JMES, they can complete Annex G at any time after the conclusion of the ERB. However, before doing so the individual should investigate whether exit under normal ET terms or under the Administrative Exit QRs are in their best interests financially.

24. **Aircrew Right to Elect Exit on Ill Health grounds.** In accordance with QR 1421(4)/QR 526A(4)(b), aircrew - irrespective of rank - who cease to be capable of full flying duties in the air because of a permanently reduced JMES below A2 (or A3 for gp capt and above who are over age 45) that, in the opinion of the ERB, is so restrictive that the individual can no longer realistically remain able to fulfil flying duties in the air, may **as a once only option**, elect to terminate their service on Ill Health terms as an alternative to retention under:

- a. Officers – QR 2905(4).
- b. NCA – QR 607(15)(b).

When an individual elects to exit, and are transitionally protected and have remained on AFPS 75, their case will be referred to the Discretionary Awards Review (DAR)¹³ who will decide whether the injury/illness is attributable to Service and thus at what level benefits are to be paid at. If the individual is currently on AFPS 05 or AFPS 15, then their case will not be referred to the DAR and they will receive full benefits.

25. **Flying Pay.** Attention is drawn to JSP 754 concerning the effect on flying pay from the award of non-flying JMES (A4) and from a decision to elect departure on Ill Health grounds.

Termination as Directed by an ERB

26. Personnel who are assessed as no longer employable by an ERB, but who wish to remain in the RAF, will be reviewed by a Board of Officers who will discuss all possible options available to retain the individual in the Service. However, if the Board agree they are still considered to be unfit further service they will exit the Service under QR2905(3) or QR2905(4) (officers) or QR607(15)(a)/(b) or 607(22)d(ii) (airmen). APC will assess the mode of exit that is most appropriate and this will be notified to the Unit in writing. The exact terms under which service may

¹¹ If an individual is under a Return of Service, each case will be reviewed by Manning based on its own circumstances.

¹² Personnel may be eligible for other benefits available through the Department for Work and Pensions and should be encouraged to seek financial advice.

¹³ The DAR is part of DBS.

be terminated will depend on the circumstances of the case; only exit under the QRs in para 28 will attract some form of Ill Health payment.

27. Medical Exit on Administrative Terms. If the individual is found to be permanently below the medical standard required to meet Service obligations, but the condition is not believed to be lasting or is entirely within the control of the individual, exit may be considered under the following QRs:

- a. Officers – QR 2905(3).
- b. Ground trades and Non Commissioned Aircrew (NCA) – QR607(22)(d)(ii).

This type of exit does not attract ill health payments¹⁴ but to earned benefits only i.e. resettlement grant, pension/preserved pension dependant on length of service and rank held.

28. Ill Health Award¹⁵. If an individual is felt to have genuine, discernable and lasting disabilities impacting on their quality of life and civilian employment prospects, an ERB may recommend they are discharged on ill health grounds using:

- a. Officers – QR 2905(4).
- b. NCA – QR 607(15)(b).
- c. Ground trades – QR 607(15)(a).

In these circumstances, APC will refer the case to the DBS Pensions Dept who will determine the level and type of payment to be awarded. For the severest cases of illness and injury, which is very likely to impact on the ability to find alternative civilian employment, this can be an immediate income stream. Where it is assessed that the individual will be able to find civilian employment of any kind, the award is likely to result in a single lump sum payment.

29. Stress of Flying. Aircrew with a reduced JMES as a result of being unable to withstand the stress of flying duties are to be the subject of an administrative report vide QR1027, iaw AP3392, Vol 5, Lflt 130, Annex E.

Termination as Directed by a FMB

30. All personnel found to be permanently below the JMES required to conduct the full duties of their specialisation, including all general Service duties, or are unlikely to reach that standard within a reasonable time, will **not** be subject to an ERB; instead they will be referred directly by the FMB to be reviewed by APC, HQ Air, who will determine under which QR the individual will exit the Service. Only exit under the QRs in paras 24 & 28 will attract some form of Ill Health payment.

Termination Advice – All Personnel

31. **Unit Action - Notification.** Where service is to be terminated, whether due to being unfit further service or by election to leave, the decision of the ERB and/or APC on the mode of exit will be notified to the individual's senior HR staff. This notification will include details of entitlements. HR staff will be asked to calculate and provide a date for the last day of service based on ILA, invaliding leave (if appropriate), GRT and terminal leave entitlements, after which a confirmatory letter will be sent from APC (via Unit HR) to the individual giving precise details of their date of exit.

¹⁴ As above.

¹⁵ Previously referred to as 'invaliding'.

32. **Mode of Exit Review.** After a minimum of 12 months after exit from the Service, if an individual has not left under the QRs listed in para 28, but believe that they should have been medically discharged, they can request a 'Mode of Exit' review by writing to APC, HQ Air. Recent medical evidence showing a genuine, discernible and lasting condition that has had a significant effect on quality of life since exiting the Service must be provided in order to justify the review. Exceptional cases will be considered from individuals where less than 12 months has passed since exiting the Service on a non-ill health clause.

33. Should the FMB occur in close proximity to the individuals EED and they are not found to be unfit for continued service, an ERB will still be completed. If the ERB concludes after the individuals EED then they will be notified in writing of the outcome at their Termination address as listed on JPA by Unit HR. If the outcome is that they would've been recommended for discharge as detailed para 28 then APC will refer the case to DBS to alter the Mode of Exit and consider any ill-health award due.

Valedictory Letters

34. Personnel discharged on medical grounds will receive a personal valedictory letter from the MOD. Those discharged under other clauses will receive valedictory letters in accordance with the instructions contained in AP 3392 Vol 2 Leaflet 701.

