RECORD OF PROCEEDINGS

PHYSICAL DISABILITY BOARD OF REVIEW

NAME: BRANCH OF SERVICE: Army

CASE NUMBER: PD0900014 COMPONENT: Active

BOARD DATE: 20090618 SEPARATION DATE: 20050525

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SUMMARY OF CASE: This covered individual (CI) was an Army SPC Truck Driver medically separated from the Army in 2005 after three years of duty. The medical basis for the separation was a painful scar and radiating left sided pain following revision of a painful hysterectomy scar with abdominal muscle repair. CI was referred to the PEB, found unfit and separated at 0% disability. The PEB rated CI’s tender scar with groin and thigh pain at 0% and found mild anemia and a history of preeclampsia as not unfitting. The VA rated the painful scar with groin and thigh pain at 10%, and anemia at 10% for a combined 20%. The CI contends for a higher rating ‘more than zero percent’ for chronic pain following scar and revision of large, deep hip-to-hip scar with leg, chest and back pains. CI also requests addition of fibromyalgia (FMS) and restless legs syndrome (RLS).

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BOARD FINDINGS: IAW DoDI 6040.44, provisions of DoD or Military Department regulations or guidelines relied upon by the PEB will not be considered by the Board to the extent they were inconsistent with the VASRD in effect at the time of the adjudication. The Board found no evidence that FMS, diagnosed by a rheumatologist in Jul 08 (3 years post discharge), was present at the time of discharge and FMS should not be added as an unfitting condition. The late diagnosis of RLS was greater than 2 years following discharge and would not have been unfitting. The diagnoses of anemia and preeclampsia were sufficiently evaluated by the PEB and were not unfitting. Board discussion focused on rerating the well described PEB unfitting condition without the DoDI and in light of the VA pre-discharge examination and subsequent rating schema. The VA examination did not differ significantly from the MEB exam. There was clearly a painful scar with radicular symptoms. The VA examiner made a diagnosis of Abdominal Cutaneous Nerve Entrapment Syndrome (ACNES) which equates to the PEB neuralgia, moderate. The Board did not find support to increase either the severity or principally involved nerve for any change in rating. However, since the painful scar and neuralgia were a single unfitting condition, the Board found that IAW §4.7 Higher of two evaluations, the CI’s rating should be increased to 10% under code 7804-8729. No other unfitting conditions should be added.

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RECOMMENDATION: The Board recommends that the CI’s prior determination be modified as follows, effective as of the date of her prior medical separation.

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| Unfitting Condition | VASRD Code | Rating |
| Painful Scar, lower pelvic region with moderate neuralgia | 7804-8729 | 10% |
| Combined | 10% |

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The following documentary evidence was considered:

Exhibit A. DD Form 294, dated 20090116, w/atchs.

Exhibit B. Service Treatment Record.

Exhibit C. Department of Veteran's Affairs Treatment Record.

President

Physical Disability Board of Review

