RECORD OF PROCEEDINGS

PHYSICAL DISABILITY BOARD OF REVIEW

NAME: BRANCH OF SERVICE: NAVY

CASE NUMBER: PD0900022 COMPONENT: ACTIVE

BOARD DATE: 20090604 SEPARATION DATE: 20070515

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SUMMARY OF CASE: This covered individual (CI) was a Navy HM3 Preventive Medicine Technician medically separated in 2007 after nearly four years of service. He developed Post-Traumatic Stress Disorder (PTSD) after serving in direct combat in Fallujah supporting the Marines. Despite comprehensive treatment he became unable to reasonably perform the duties of his office, grade, rank, and rating and was referred to the Navy Physical Evaluation Board (PEB). The PEB found him unfit and he was separated with a 10% disability rating for 8411 PTSD using the Veterans Affairs Schedule for Ratings Disabilities (VASRD) and applicable Navy regulations. Using an evaluation done prior to separation from the Navy, the Veterans Administration (VA) initially rated his disability at 50%. This rating was based on his overall condition and not merely as a minimum rating IAW paragraph 4.129 of the VASRD. A subsequent VA evaluation one year later also resulted in a 50% rating for 9411 PTSD. The CI contends that his rating from the Navy should have been the same as his rating from the VA.

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. After careful consideration of all available information, the Board concluded that the CI’s condition is appropriately rated at 50% under VASRD 9411 PTSD. This rating is based on the CI’s condition of occupational and social impairment with reduced reliability and productivity due to multiple symptoms at the time of separation and at one year after separation.

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

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| Unfitting Condition | VASRD Code | Rating |
| PTSD | 9411 | 50% |

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The following documentary evidence was considered:

Exhibit A. DD Form 294, dated 20090113, w/atchs.

Exhibit B. Service Treatment Record.

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

