RECORD OF PROCEEDINGS

PHYSICAL DISABILITY BOARD OF REVIEW

NAME: BRANCH OF SERVICE: ARMY

CASE NUMBER: PD0900025 COMPONENT: REGULAR

BOARD DATE: 20090604 SEPARATION DATE: 20070502

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SUMMARY OF CASE: This covered individual (CI) was an active duty NCO medically separated from the Army in 2007 with 5 years of service. The medical basis for the separation was Post Traumatic Stress Disorder (PTSD). The PTSD resulted from combat exposure to multiple traumatic incidents during OIF 2004-005. The CI manifested typical PTSD symptoms upon his return from theater which he initially attempted to manage on his own. He sought medical help in 2006 and was treated on an outpatient basis by Behavioral Health. He continued to perform his duties in a modified work environment, but his psychiatric symptoms did not significantly abate. He was additionally evaluated for a back injury, narcolepsy and TBI. He was referred to the PEB, found unfit for PTSD only and separated at 10% disability. On his first VA rating examination one year later, he was rated at 50% for PTSD. The CI’s contention notes the disparity between the PEB and VA ratings.

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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 PDBR to the extent they were inconsistent with the VASRD in effect at the time of the adjudication. The PEB adjudication was IAW the DoDI 1332.39 scale for rating psychiatric impairment. The PTSD features germane to the general rating formula for mental diseases in the VASRD, as documented in the service treatment record, were evaluated independently of the DoDI guidelines. The Board unanimously agreed that 50% was the fairest rating under the VASRD, although some criteria for a 70% rating were met. The CI’s additional conditions, noted above, were judged to have been accurately characterized by the PEB as not unfitting.

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RECOMMENDATION: The Board recommends that the CI’s prior separation be recharacterized to reflect that rather than discharge with severance pay, the CI was placed on the TDRL at 50% for a period of 6 months (PTSD at 50% IAW §4.129 and DoD direction) and then permanently retired by reason of physical disability with a final 30% rating as indicated below.

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| --- | --- | --- | --- |
| **Unfitting Condition** | **VASRD Code** | **TDRL Rating** | **Permanent**  **Rating** |
| POST-TRAUMATIC STRESS DISORDER | 9411 | 50% | 30% |
| **COMBINED** | **50%** | **30%** |

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.

