RECORD OF PROCEEDINGS

PHYSICAL DISABILITY BOARD OF REVIEW

NAME: BRANCH OF SERVICE: NAVY

CASE NUMBER: PD0900065 COMPONENT: ACTIVE

BOARD DATE: 20090610 SEPARATION DATE: 20060321

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SUMMARY OF CASE: This covered individual (CI) was a Navy Petty Officer First Class Cryptologic Linguist medically separated in 2006 after eight and a half years of service. After several years of evaluations and treatment for a variety of conditions which caused pain, he was diagnosed with fibromyalgia in 2004. After his diagnosis was confirmed he received treatment with a multitude of different medications, none of which led to the resolution of his condition and he was referred to the Navy Physical Evaluation Board (PEB). He also was diagnosed with an adjustment disorder with depressed mood related to marital issues and chronic pain in April of 2005. A statement from the psychiatric service dated 16 December 2005 included this diagnosis and stated that this condition was considered temporary, would resolve when his underlying circumstances resolved, and did not warrant a medical board. In general this diagnosis is not continued for more than six months because after this time the condition either has resolved or has been determined to be one of the permanent mental health diagnoses such as depression. Although more than six months had passed at the time of separation, no documentation of further diagnosis or evidence of resolution of symptoms was found in the CI’s service treatment record. He also had a history of migraine headaches. No documentation of any medication specific for depression or migraine headaches was noted in his Navy treatment record.

The Navy PEB found him unfit for continued service and he was separated with a 0% disability rating for 5025 Fibromyalgia using the Veterans Affairs Schedule for Ratings Disabilities (VASRD) and applicable Navy regulations. Using an evaluation done two months after separation from the Navy, the Veterans Administration (VA) rated his disability at a combined 70%. This included 40% for 5025 Fibromyalgia, 30% for 8100 Migraine Headaches, 10% for 7319 Irritable Bowel Syndrome, 10% for Depressed Mood/Major Depressive Disorder, 10% for 6260 Bilateral Tinnitus, and 0% for 6513 Chronic Sinusitis. The CI contends that the VA ratings included 40% for fibromyalgia, 10% for irritable bowel syndrome, and 10% for depressed mood and that all of these were considered by the Navy and rated at 0%.

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 the CI’s condition met the criteria for a rating of 40% for 5025 fibromyalgia at the time of his separation because he had nearly constant symptoms that were refractory to therapy. While pain and fatigue are the main characteristics of fibromyalgia, migraine headaches, depression, and irritable bowel syndrome are also very commonly present and are considered associated symptoms. The VASRD code 5025 provides the same ratings for fibromyalgia with or without associated symptoms and the PDBR did not rate these symptoms separately.

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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 |
| Fibromyalgia | 5025 | 40% |
| Combined | 40% |

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The following documentary evidence was considered:

Exhibit A. DD Form 294, dated 20090123, w/atchs.

Exhibit B. Service Treatment Record.

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

