RECORD OF PROCEEDINGS

PHYSICAL DISABILITY BOARD OF REVIEW

NAME: BRANCH OF SERVICE: navy

CASE NUMBER: PD0900088 COMPONENT: reserve

BOARD DATE: 20090611 SEPARATION DATE: 20051117

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SUMMARY OF CASE: This covered individual (CI) was a Lieutenant Junior Grade Registered Nurse medically separated from the Navy in 2005 after two years and four months of service. She developed Graves hyperthyroidism that was resistant to one treatment of radioactive iodine and also resistant to medical treatment with methimazole (Tapazole). She continually to have multiple symptoms that prevented her from reasonably performing the duties of her office, grade, rank, and rating was referred for a fitness evaluation. The Navy Informal Physical Evaluation Board (PEB) found her unfit for continued service and she was separated with a 10% disability rating for 7900 Graves hyperthyroidism resistant to one treatment of radioactive iodine using the Veterans Affairs Schedule for Ratings Disabilities (VASRD) and applicable Navy and Department of Defense regulations. Using an evaluation done at the time separation from the Navy, the Veterans Administration (VA) rated this disability as 7900 Graves hyperthyroidism at 100%. The Va also rated several other unrelated conditions at 10% or 0%. The CI stated the VA rated her at 100% for the same condition the Navy rated as 10%

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

BOARD FINDINGS: IAW DoDI 6040.44, the Board used the Veteran’s Affairs Schedule of Rating Disabilities (VASRD) as the most favorable basis for rating. After careful consideration of all available information, the Board concluded that the CI’s condition is appropriately rated at a 60% for 7900 Graves hyperthyroidism, resistant to treatment with radioactive iodine. While the CI met all of the criteria for the 10% rating, she also had some but not all of the symptoms listed in each rating criteria from 100% to 30% and some of her symptoms were intermittent rather than constant. The majority of the board concluded that the CI’s constellation of symptoms most closely approximates the criteria for the 60% rating. She had thyroid enlargement, intermittent tachycardia, eye involvement, cardiovascular symptoms, gastrointestinal symptoms, fatigability, intermittent increased pulse pressure (one third of recorded measurements), emotional instability, intermittent tremor and a requirement for continuous medication.

The single voter for dissent (recommended adopting the VA rating 7900 at 30%) elected not to submit a minority opinion.

Although the CI did not contend that the other conditions rated by the VA should also be rated, the Board examined these conditions and did not find any to be unfitting at the time of separation.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

RECOMMENDATION: The Board recommends that the CI’s prior determination be modified as follows and that the discharge with severance pay be recharacterized to reflect disability retirement, effective as of the date of her prior medical separation.

|  |  |  |
| --- | --- | --- |
| Unfitting Condition | VASRD Code | Rating |
| Graves hyperthyroidism, resistant to treatment with radioactive iodine | 7900 | 60% |
| Combined | 60% |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following documentary evidence was considered:

Exhibit A. DD Form 294, dated 20090127, w/atchs.

Exhibit B. Service Treatment Record.

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

