RECORD OF PROCEEDINGS

PHYSICAL DISABILITY BOARD OF REVIEW

NAME: BRANCH OF SERVICE: AIR FORCE

CASE NUMBER: PD0900128 COMPONENT: RESERVE

BOARD DATE: 20090618 SEPARATION DATE: 20040113

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SUMMARY OF CASE: This covered individual (CI) was an Air Force TSgt Courier medically separated in 2004 after more than twenty years of service. He noticed significant back pain and numbness in his right foot after processing material in the vault in December 2001. Over time his symptoms continued to increase in severity despite multiple treatment modalities including physical therapy, traction, chiropractic care, and epidural steroid injections. Surgery was offered but CI declined and this is reasonable as surgery can lead to increased problems. His condition had progressed to the point of preventing him from reasonably performing the duties of his office, grade, rank, and rating and the Air Force Physical Evaluation Board (PEB) found him unfit for continued service. He was separated with a 20% disability rating for 5293 Intervertebral disc syndrome using the Veterans Affairs Schedule for Ratings Disabilities (VASRD) and applicable Air Force regulations. Using an evaluation done before separation from the Air Force, the Veterans Administration (VA) initially rated his disability at a combined 50%. This included 20% for 5243 Intervertebral disc disease and 10% for 5243-8521 Right lower extremity radiculopathy associated with the herniated disc. The VA also rated several other conditions for a combined total of 50%. This increased to 70% after an evaluation done nine months after separation revealed that the CI’s back condition had worsened and the 20% rating for 5243 was increased to 40%. The CI contends he was incapacitated and unable to work for over 14 weeks from 22 February to 9 June 2002 and that thereafter he was unable to work fulltime and continued to have episodes of incapacitation greater than 6 weeks within a twelve month period.

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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. After careful consideration of all available information, the Board concluded that the CI’s condition is appropriately rated at combined 30% under VASRD 5293-5295 at 20% and 5293-8521 at 10%. There was insufficient documentation to support the periods of incapacitation described by the CI. However, he did have muscle spasm in his back with forward bending as well as decreased sensation in his right lateral thigh, calf, and foot consistent with a radiculopathy caused by the herniated disc at L4-L5 that was documented on Magnetic Resonance Imaging (MRI). The CI also had sporadically documented weakness in his right foot. This radiculopathy was rated as mild incomplete paralysis of the external popliteal nerve as it is an integral part of his unfitting condition and contributed to his inability to perform the physically demanding job of Courier. This rating is based on the instructions in the 2003 VASRD code 5293. Intervertebral disc syndrome evaluation is based either on the total duration of incapacitating episodes over the past 12 months OR by combining separate evaluations of its chronic orthopedic and neurologic manifestations along with evaluations for all other disabilities, whichever method results in the higher evaluation.

The PDBR examined all the other conditions that were rated by the VA and did not find any to be separately unfitting.

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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 |
| Back pain secondary to Intervertebral disc syndrome | 5293-5295 | 20% |
| Herniated disc with right lower extremity radiculopathy | 5293-8521 | 10% |
| Combined | 30% |

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The following documentary evidence was considered:

Exhibit A. DD Form 294, dated 20090202, w/atchs.

Exhibit B. Service Treatment Record.

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

