RECORD OF PROCEEDINGS

PHYSICAL DISABILITY BOARD OF REVIEW

NAME: BRANCH OF SERVICE: USCG

NUMBER: PD0900144 BOARD DATE: 20100303

SEPARATION DATE: 20030203

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SUMMARY OF CASE. This covered individual (CI) was a Telecommunications Petty Officer First Class medically separated from the Coast Guard in 2003 after more than ten years of service. The medical basis for the separation was Obsessive Compulsive Disorder and Panic Disorder with Agoraphobia symptoms.

Appropriate therapy failed to completely alleviate his symptoms and he was referred to the Coast Guard Physical Evaluation Board (PEB). The PEB determined he was unfit for continued military service and he was then separated with a 10% disability for Obsessive Compulsive Disorder and Panic Disorder with Agoraphobia symptoms using the Veterans Affairs Schedule for Ratings Disabilities (VASRD) and applicable Coast Guard and Department of Defense regulations.

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CI CONTENTION: The rating should be changed because the percent given me did not match my condition at the time and my condition now. The original 10 percent given did not address my complete condition appropriately IAW the VASRD. According to my service medical record and my VA medical record I should have given 30%.

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RATING COMPARISON:

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| --- | --- |
| **Service (PEB)** | **VA (1 month after separation)** |
| **PEB Condition** | **Code** | **Rating** | **Date** | **Condition** | **Code** | **Rating** | **Exam Date** | **Effective date** |
| Obsessive Compulsive DO and Panic DO with Agoraphobia Sx controlled by Meds | 9404 | 10 | 20021209 | Obsessive Compulsive Disorder with Panic Disorder withAgoraphobia | 9404 | 30 | 20030306 | 20030204 |
|  | **PEB** | **DES Package** |  |  |  |  |  |
|  | No | NARSUM | Obstructive Sleep Apnea with CPAP | 6847 | 50 | 20030306 | 20030204 |
|  | No | Not mentioned | Chronic Sinusitis | 6513 | 030 | 2003030620040115 | 2003020420030204 |
|  | No | Not mentioned | T-8 Myofascial Syndrome | 5099-5021 | 1010 | 20030306 20040115 | 20030204 |
|  | No | NARSUM | S/p Right Renal Stone X3 | 7508 | 0 | 20030306 | 20030204 |
|  | No | NARSUM | Allergic Rhinitis | 6522 | 0 | 20030306 | 20030204 |
| **TOTAL Combined: 10 %** | **TOTAL Combined (*incl non-PEB Dxs):* 70% from 20030204 initially****then 80% from 20030204**   |

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ANALYSIS SUMMARY:

Mental Illness

The CI first had a panic attack in 1997 while driving his car. He was diagnosed with panic disorder with agoraphobia and successfully treated with Prozac and Xanax. He stopped his medication in November 1997 without consulting his doctor and apparently did well until July 1999 when he began to have a recurrence of his panic disorder with agoraphobia and was also diagnosed with obsessive compulsive disorder. He had ruminative thoughts that interfered with his work and affected his ability to concentrate and organize his work day, his administrative duties, and his completion of tasks. He also had repeating and ordering rituals. He was treated with Sertraline, Zoloft, and Desyrel and improved a great deal. The narrative summary (NARSUM) was completed in April 2002 and suggests the CI was well controlled and fit for full duty. However later treatment notes from the service treatment record (STR) in November and December of 2002 reveal that while he was much improved, he continued to have significant symptoms while on medications. His panic attacks decreased from once a day to once a week. The VA evaluation completed one month after separation documented the same symptoms and the VA applied a 30% rating.

Other Conditions in the Disability Evaluation (DES) package

Obstructive Sleep Apnea, history of Renal Stones, and Allergic Rhinitis. No evidence any of these conditions were unfitting at the time of separation. There were no duty restrictions that could be attributed to any of these conditions.

Other Conditions not considered by the PEB and not in DES package--Outside scope of PDBR

Chronic Sinusitis and T-8 Myofascial Pain Syndrome

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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 unanimously determined that the CI’s condition is most appropriately rated at 30% for 9412 Panic Disorder with Agoraphobia and Obsessive Compulsive Disorder.

The CI’s symptoms improved but were not controlled with medication and he did not have functional impairment only during times of significant stress. Although he was generally functioning satisfactorily, with routine behavior, self-care, and conversation normal, he was not able to perform his required duties due to his continued symptoms. These symptoms included weekly panic attacks as documented in treatment notes subsequent to the completion of the NARSUM and in the VA Compensation and Pension (C&P) evaluation completed one month after separation. This warrants a 30% rating.

The Board unanimously determined that the following conditions were not unfitting at the time of separation from service: Obstructive Sleep Apnea, history of Renal Stones, and Allergic Rhinitis.

The other diagnoses rated by the VA (Chronic Sinusitis and T-8 Myofascial Pain Syndrome) were not mentioned in the DES package and are therefore outside the scope of the Board. The CI retains the right to request his service Board of Correction for Military Records (BCMR) to consider adding these conditions as unfitting.

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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 permanent disability retirement, effective as of the date of his prior medical separation.

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| **UNFITTING CONDITION** | **VASRD CODE** | **RATING** |
| Panic Disorder with Agoraphobia and Obsessive Compulsive Disorder  | 9412 | 30% |
| **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 Veterans' Affairs Treatment Record.

