RECORD OF PROCEEDINGS

PHYSICAL DISABILITY BOARD OF REVIEW

NAME: BRANCH OF SERVICE: USMC

CASE NUMBER: PD0900149 COMPONENT: RESERVE

BOARD DATE: 20090624 SEPARATION DATE: 20060215

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SUMMARY OF CASE: This covered individual (CI) was a Marine Cpl Heavy Equipment Repairman medically separated in 2006 after two years of active service as well as time in the Marine Reserves. He was activated to serve in Iraq and suffered a rocket propelled grenade blast to his left wrist and hand in October 2004. He received a Purple Heart for this injury and underwent multiple surgeries for irrigation and debridement as well as to repair both flexor and extensor tendon lacerations. He completed an extensive occupational therapy regimen. He is right hand dominant. He had slightly decreased range of motion of his wrist and was able to form a fist. However, he is unable to do any type of heavy manual labor, hold objects, or do any type of repetitive movements with his left hand. He has weakened strength in his left hand and continues to get a fiery type burning pain in his hand with any type of activity. Repeated movements lead to pain, fatigue, and weakness and shrapnel is present. With these symptoms he was unable to perform his duties as a heavy equipment mechanic and was referred for a fitness evaluation. The Navy Informal Physical Evaluation Board (PEB) found him unfit for continued service. He was separated with a 10% disability rating for 5399-5307 Status-post extremity blast injury with Flexor Carpi Radialis laceration, multiple extensor tendon lacerations, and a report of Ulnar cortical defect using the Veterans Affairs Schedule for Ratings Disabilities (VASRD) and applicable Navy regulations. Using an evaluation done three months after separation from the Marines, the Veterans Administration (VA) rated this disability at a combined 30% with 5308 Left hand repair at 20% and 5024-5215 left wrist volar and dorsal blast defects at 10%. The VA also rated Post Traumatic Stress Disorder 9411 at 30%, right hip bursitis 5019-5260 at 10%, right knee strain and degenerative joint disease 5010-5260 at 10%, right thigh shrapnel wound, muscle group XIV 5314 at 10%, tinnitus 6260 at 10% and painful scars of the left wrist, bilateral hearing loss, and scar, right thigh all at 0% for a combined total of 70%. The CI noted the disparity between the Navy and VA ratings for the same left hand and wrist disability and requested reconsideration.

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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 30% for 5399-5307 Group VII muscle injury: flexion of wrist and fingers. This rating is based on the characterization of the CI’s disability as 5307 moderately severe for Group VII muscle injury (20% for non-dominant hand) along with 5309 Group IX muscle injury: Forearm muscles act in strong grasping movements and are supplemented by the intrinsic muscles of the hand in delicate manipulative movements (10%). The Group VII injury is characterized as moderately severe IAW with VASRD paragraph 4.56 because the CI has consistent cardinal signs and symptoms of muscle disability (loss of power, weakness, lowered threshold of fatigue, and fatigue-pain) and he is unable to keep up with work requirements. VASRD Paragraph 4.55 Principles of combined ratings for muscle injuries states that for compensable muscle group injuries which are in the same anatomical region but do not act on the same joint, the evaluation for the most severely injured muscle group will be increased by one level and used as the combined evaluation for the affected muscle groups. He has injury to both Group VII and Group IX muscles and these groups are in the same anatomic region but act on different joints. Increasing the moderately severe rating for 5307 on the non-dominant side by one level results in a rating of 30%.

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 separately unfitting at the time of separation.

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

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| Unfitting Condition | VASRD Code | Rating |
| Group VII muscle injury status-post blast injury to left (non-dominant) wrist and hand with weakened grip strength and inability to perform delicate manipulative movements. | 5399-5307 | 30% |
| Combined | 30% |

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The following documentary evidence was considered:

Exhibit A. DD Form 294, dated 20090219, w/atchs.

Exhibit B. Service Treatment Record.

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

