RECORD OF PROCEEDINGS

PHYSICAL DISABILITY BOARD OF REVIEW

NAME: BRANCH OF SERVICE: Air force

CASE NUMBER: PD1000199 SEPARATION DATE: 20080303

BOARD DATE: 20110315

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty SSGT/E-5 (2S071, Materiel Management Craftsman), medically separated from the Air Force in 2008 after eight years of service. The medical basis for the separation was diabetes mellitus (DM). The condition was diagnosed in March 2006 based on an abnormal screening lab test. Due to non-compliance with medication and dietary management, his condition remained poorly controlled. He was unable to perform within his Air Force Specialty, was issued a temporary P4 profile, and underwent a Medical Evaluation Board (MEB). The DM condition was forwarded to the Physical Evaluation Board (PEB) as medically unacceptable IAW AFI 48-123. Additional conditions supported in the Disability Evaluation System (DES) file are discussed below, but were not forwarded for PEB adjudication. The informal PEB adjudicated the DM condition as unfitting, rated 20% IAW the Veterans’ Administration Schedule for Rating Disabilities (VASRD), and obesity as Category III: not separately unfitting and not compensable or ratable. The CI made no appeals and was medically separated with a 20% disability rating.

CI CONTENTION: The CI states: “I feel that my claim should be re-evaluated due to the severity of my disability and my additional disabilities found under VA evaluation should be considered. I currently have a VA rating of 60% that compensates me for my service-connected disabilities”. He elaborates no specific contentions regarding rating or coding and mentions no additionally contended conditions.

RATING COMPARISON:

|  |  |
| --- | --- |
| **Service IPEB – Dated 20080114** | **VA (6 Mo. After Separation) – All Effective 20080304** |
| **Condition** | **Code** | **Rating** | **Condition** | **Code** | **Rating** | **Exam** |
| DM Type II | 7913 | 20% | DM Type II | 7913 | 20% | 20080924 |
| Obesity  | Not Unfitting | No VA Entry |
| ↓No Additional MEB Entries.↓ | Lumbar DJD | 5010-5242 | 10% | 20080924 |
| Cervical Strain | 5237 | 10% | 20080924 |
| 0% X 1 / Not Service Connected X 7 | 20080924 |
| **Final Combined: 20%** | **Total Combined: 40%** |

ANALYSIS SUMMARY:

Diabetes. The evidence at the time of separation justified the 20% rating determined by the PEB and IAW VASRD §4.120. Based on requirements for oral hypoglycemic medication and dietary treatment only, his VA rating examination performed six months after separation resulted in the same rating. The CI did not require insulin and regulation of activities necessary to justify the higher 40% rating, nor were there episodes of ketoacidosis, hypoglycemic reactions, hospitalizations or diabetic complications that could support higher ratings. All evidence considered, there is not reasonable doubt in the CI’s favor supporting a change from the PEB’s rating decision for the diabetic condition.

Other PEB Conditions. IAW DoDI 1332.38 Obesity is a condition not constituting a physical disability. The Board therefore has no reasonable basis for recommending this condition as an additional unfitting condition for separation rating.

Other Contended Conditions. The CI’s application asserts that compensable ratings should be considered for thoracolumbar degenerative joint disease and cervical strain. Both of these conditions were reviewed by the Action Officer and considered by the Board. There was no evidence for concluding that either of the conditions interfered with duty performance to a degree that could be argued as unfitting. The Board determined therefore that none of the stated conditions were subject to a Service disability rating.

Remaining Conditions. The only other condition identified in the DES file was obstructive sleep apnea (OSA). This condition was not clinically active during the MEB period, it did not carry attached profiles, and was not implicated in the commander’s statement. This condition was reviewed by the Action Officer and considered by the Board. It was determined that it could not be argued as unfitting and subject to separation rating. Additionally hearing loss and several other non-acute conditions were noted in the VA rating decision proximal to separation, but were not documented in the DES file. The Board does not have the authority under DoDI 6040.44 to render fitness or rating recommendations for any conditions not considered by the DES.

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. The Board did not surmise from the record or PEB ruling in this case that any prerogatives outside the VASRD were exercised. In the matter of the DM condition and IAW VASRD §4.120, the Board unanimously recommends no change in the PEB adjudication. In the matter of the OSA condition, the Board unanimously agrees that it cannot recommend a finding of unfit for additional rating at separation. In the matter of the cervical strain and thoracolumbar degenerative joint disease conditions or any other medical conditions eligible for Board consideration, the Board unanimously agrees that it cannot recommend any findings of unfit for additional rating at separation.

RECOMMENDATION: The Board therefore recommends that there be no recharacterization of the CI’s disability and separation determination.

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| **UNFITTING CONDITION** | **VASRD CODE** | **RATING** |
| DM Type II | 7913 | 20% |

The following documentary evidence was considered:

Exhibit A. DD Form 294, dated 20100316, w/atchs.

Exhibit B. Service Treatment Record.

Exhibit C. Department of Veterans' Affairs Treatment Record.

 Deputy Director

 Physical Disability Board of Review

SAF/MRB

1535 Command Drive, Suite E-302

Andrews AFB, MD 20762-7002

 Reference your application submitted under the provisions of DoDI 6040.44 (Section 1554, 10 USC), PDBR Case Number PD-2010-00199.

 After careful consideration of your application and treatment records, the Physical Disability Board of Review determined that the rating assigned at the time of final disposition of your disability evaluation system processing was appropriate. Accordingly, the Board recommended no re-characterization or modification of your separation with severance pay.

 I have carefully reviewed the evidence of record and the recommendation of the Board. I concur with that finding and their conclusion that re-characterization of your separation is not warranted. Accordingly, I accept their recommendation that your application be denied.

 Sincerely,

Director

Air Force Review Boards Agency

Attachment:

Record of Proceedings