RECORD OF PROCEEDINGS

PHYSICAL DISABILITY BOARD OF REVIEW

NAME: BRANCH OF SERVICE: Marine corps

CASE NUMBER: PD1000576 SEPARATION DATE: 20020715

BOARD DATE: 20111026

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

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty Pvt (0151/Administrative Clerk) medically separated for schizophrenia paranoid type, characterized by auditory hallucinations delusions disruption at work and in interpersonal relationships. He was unable to perform within his military occupational specialty (MOS), was placed on limited duty and underwent a Medical Evaluation Board (MEB). The schizophrenia, characterized by hallucinations, delusions, and disruption at work and in interpersonal relationships condition was forwarded to the Physical Evaluation Board (PEB) as medically unacceptable IAW SECNAVINST 1850.4E. The PEB adjudicated schizophrenia as unfitting, rated 10%, with application of SECNAVINST 1850.4E, DoDI 1332.39 and Veterans’ Administration Schedule for Rating Disabilities (VASRD), respectively. The CI made no appeals, and was medically separated with a 10% combined disability rating.

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

CI CONTENTION: He elaborates no specific contentions regarding rating or coding and mentions no additionally contended conditions.

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

RATING COMPARISON:

\* The VA increased rating to 70% and granted individual unemployability effective 20050720.

|  |  |
| --- | --- |
| **Service IPEB – Dated 20020516** | **VA (1 Mo. Pre Separation) – All Effective Date 20020716** |
| **Condition** | **Code** | **Rating** | **Condition** | **Code** | **Rating** | **Exam** |
| Schizophrenia | 9204 | 10% | Schizophrenia | 9204 | 50%\* | 20020606 |
| ↓No Additional MEB Entries.↓ | 0% X 0 / Not Service Connected X 0 |
| **Final Combined: 10%** | **Total Combined: 50%** |

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

ANALYSIS SUMMARY:

Schizophrenia. In December 2000, the CI thought that he was the “Messiah/the second coming,” claiming to be the Son of God and a prophet. Other symptoms included ongoing auditory hallucinations, talking to himself, ability to read other people’s minds and belligerent behavior resulting in insubordination charges. The CI did not meet criteria for forced hospitalization and due to his illness refused hospitalization and medication. His symptoms caused estrangement from family, friends, and co-workers. He remained unable to perform within his MOS. He was placed on limited duty and underwent a MEB.

The narrative summary (NARSUM) on 12 March 2002 (four months pre-separation) noted the delusions and auditory hallucinations. The CI underwent three psychiatric evaluations. His diagnosis was schizophrenia, paranoid, characterized by hallucinations, delusions, and disruption at work and in interpersonal relationships. The global assessment of functioning (GAF) was 50. The condition did not exist prior to enlistment.

The patient was telling coworkers he was the second coming of Christ. He said that he hears the voice of God, being in constant communication with God and that God told him what to-do, what was going to happen, and specific details about people, situations, and how the patient could help specific people. He stated that he could read people's thoughts. In addition, he was questioning whether the standard rank structure of the Marine Corps applied to him. He was pending charges for insubordination. The CI had difficulties at work and with military authority. He was belligerent and had his rank reduced twice. He patient stated that he was hearing the voice of God on a daily basis and told him what to do and was to be in the future and that he is the Messiah. He indicated that his secret ambition in life was to rule the world again. The patient did not experience these symptoms to be out of the ordinary and reported no distress; rather he saw them as blessing and enlightenment. The PEB on 16 May 2002 (two months pre-separation) found schizophrenia unfitting, code 9204 (schizophrenia) with a 10% rating.

The VA compensation and pension (C&P) examination on 6 June 2002 (one month pre-separation) noted that he became symptomatic while on active duty and seemed to be hyperspiritual, was hearing voices, and was talking to God. He seemed to be having profound religious experiences and felt that he could predict the future. He was not anxious or depressed. He thought that his phone was being tapped and thought he might be under observation. His memory was intact for both recent and distant events. He was unable to abstract proverbs. The Axis I diagnosis was schizophrenia, paranoid type, in partial remission, with a GAF of 65. The VA rating decision on 9 August 2002 (two months post-separation) service connected schizophrenia, code 9204, with a 50% rating.

The Board noted that the records document disruption in work and interpersonal relationships with impaired abstract thinking. The CI was psychotic with significant occupational and social impairment, with no recognition that he was mentally ill due to the thought disorder and delusions totally impairing his reality testing. The CI was not violent or incompetent and could not be forced to undergo hospitalization or be forced to take medication. The fact that the CI refused medication appears to be a result of the impaired reality testing and was, therefore, not held against the CI in determining an appropriate rating. As a result of his impairment, the Board considered ratings of 30% to 100%. He did have occupational and social impairment manifested by gross impairment in thought processes and communication, persistent delusions and hallucinations, and grossly inappropriate behavior. It was also noted that when he was medicated to suppress his hallucinations and delusions, he was unable to function due to medication side effects, including extreme sedation. While the CI could show up to work, he was unable to work effectively. His ability to function at some level was a key element in the discussion related to total impairment at 100% versus a lower rating. The Board unanimously agreed that the 10% rating assigned by the PEB was exceeded. After due deliberation, considering the totality of the evidence and mindful of VASRD §4.3 (reasonable doubt), the Board, by simple majority, recommends a rating of 30%, code 9204 for schizophrenia.

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

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. In the matter of the schizophrenia condition the Board, by simple majority, recommends a rating of 30% coded 9204. The single voter for dissent (who recommended a 100% rating, code 9204) did not elect to submit a minority opinion. The Board unanimously agrees that there were no other conditions eligible for Board consideration which could be recommended as additionally unfitting for rating at 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 permanent disability retirement, effective as of the date of his prior medical separation.

|  |  |  |
| --- | --- | --- |
| **UNFITTING CONDITION** | **VASRD CODE** | **RATING** |
| Schizophrenia | 9402 | 30% |
| **COMBINED** | **30%** |

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

The following documentary evidence was considered:

Exhibit A. DD Form 294, w/atchs. (Not Dated)

Exhibit B. Service Treatment Record.

Exhibit C. Department of Veterans' Affairs Treatment Record.

 President

 Physical Disability Board of Review

MEMORANDUM FOR DEPUTY COMMANDANT, MANPOWER & RESERVE AFFAIRS

Subj: PHYSICAL DISABILITY BOARD OF REVIEW (PDBR) RECOMMENDATIONS

Ref: (a) DoDI 6040.44

 (b) PDBR ltr dtd 8 Nov 11 ICO XXXXXXXX

 (c) PDBR ltr dtd 10 Nov 11 ICO XXXXXXXXXX

 (d) PDBR ltr dtd 10 Nov 11 ICO XXXXXXXXXXXXX

1. Pursuant to reference (a) I approve the recommendations of the Physical Disability Board of Review set forth in references (b) through (d).

2. The official records of the following individuals are to be corrected to reflect the stated disposition:

 a. XXXXXXXXX1716: Separation from the Naval Service due to physical disability rated at 20 percent (increased from 10 percent) effective 28 February 2003.

 b. XXXXXXXXXX3144: Correction of records to reflect placement on the Temporary Disability Retired List at 40 percent (increased from 30 percent) with no change to final separation from the Naval Service due to physical disability rated at 10 percent.

 c. XXXXXXXXXXX6878: Placement on the Permanent Disability Retired List at 30 percent effective date of discharge (15 July 2002).

3. Please ensure all necessary actions are taken to implement these decisions and the subject members are notified once those actions are completed.

 Assistant General Counsel

 (Manpower & Reserve Affairs)