RECORD OF PROCEEDINGS

PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXXX BRANCH OF SERVICE: air force

CASE NUMBER: PD 1100309 SEPARATION DATE: 20060602

BOARD DATE: 20111202

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty TSgt/E-6 (3A071 / Information Management Craftsman), medically separated for diabetes mellitus type I (DM). The CI was diagnosed with DM in September 2005, after several weeks of fatigue, polyuria, polydipsia, and a 20 pound weight loss. His initial blood glucose was 577 mg/dL, and his glycosylated hemoglobin was 14.8%. His treatment included insulin and an oral hypoglycemic medication, which reduced his blood glucose levels to normal ranges. He was unable to deploy worldwide. He was issued a P4 profile and underwent a Medical Evaluation Board (MEB). diabetes mellitus type I was forwarded to the Physical Evaluation Board (PEB) as medically unacceptable IAW AFI 48-123. No other conditions appeared on the MEB’s submission. Other conditions included in the Disability Evaluation System (DES) file are discussed below. The Informal PEB (IPEB) adjudicated the DM condition as unfitting, rated 20%, with application of the Veterans’ Administration Schedule for Rating Disabilities (VASRD). The CI did not appeal for a Formal PEB, and was medically separated with a 20% disability rating.

CI CONTENTION: The CI elaborates no specific contentions regarding rating or coding and mentions no additionally contended conditions. All service conditions are reviewed by the Board for their potential contribution to its rating recommendations.

RATING COMPARISON:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Service IPEB – Dated 20051221** | | | **VA (2 Mo. After Separation) – All Effective Date 20060603** | | | |
| **Condition** | **Code** | **Rating** | **Condition** | **Code** | **Rating** | **Exam** |
| DM Type I, Controlled… | 7913 | 20% | DM, Adult Onset | 7913 | 20% | 20060824 |
| HTN | Category II | | HTN | 7101 | 0% | 20060824 |
| Slightly Overweight | Category III | | No Corresponding VA Entry | | | |
| ↓No Additional MEB/PEB Entries↓ | | | Depressive D/O, NOS | 9434 | 50% | 20060727 |
| 0% x 3 (includes above)/Not Service Connected x 5 | | | 20060824 |
| **Combined: 20%** | | | **Combined: 60%** | | | |

ANALYSIS SUMMARY:

Diabetes Mellitus Type I Condition. The narrative summary (NARSUM), dated seven months pre-separation, reported the CI required insulin and an oral agent to control his diabetes. The examiner did not specifically describe dietary restrictions, but a nutrition care note the same month as the initial diagnosis reflected such restrictions, which all insulin-requiring diabetics would be expected to have. The examiner did not, however, describe activity restrictions, and specifically stated, “His current fitness regimen consists of full participation in unit PT, doing calisthenics and running two miles three-times/week.” In addition, the commander’s statement related the CI was “a highly motivated top performer who has shown no ill effects from his medical condition and treatment,” and further stated “he is fully capable of performing all of his assigned duties, deploy and participate in physical fitness activity.” The CI’s P4 profile stated “no duty limitations,” but noted he was not worldwide deployable. The VA compensation and pension exam, two months post-separation, reported the CI remained on his insulin and oral agent regimen, and was asymptomatic, with no hospitalizations or hypoglycemic episodes. Recent morning blood glucose levels were elevated (166-184). The examiner also noted the CI was “on a diabetic diet with limits of carbohydrate intake and avoiding sugar,” was encouraged to exercise, and his condition had no impact on his “activities of daily living, routine chores, recreation activities, [or] physical occupational tasks.”

The clinical evidence at separation was consistent with a 20% rating IAW VASRD §4.120 as determined by the PEB. The VA rating examination was performed close to separation and resulted in the same rating from a similar exam. Requirement for insulin and restricted diet supported the 20% rating, but none of the criteria for higher ratings can be supported by the evidence. There was no regulation of activities required for the next higher 40% rating. The physical profile made no restriction on his activities, there were no post-separation activity restrictions, and there were no hospital admissions or hypoglycemic episodes. All evidence considered, there is not reasonable doubt in the CI’s favor supporting a change from the PEB’s rating decision for the diabetes condition.

Other PEB Conditions. The other conditions adjudicated by the PEB were hypertension (not unfitting) and slightly overweight (Category III - not separately unfitting and not compensable or ratable). IAW DoDI 1332.38, obesity falls under “Conditions and circumstances not constituting a physical disability.” The hypertension condition was controlled with medications, and was not profiled, implicated in the commander’s statement, or noted as failing retention standards. It was reviewed by the action officer and considered by the Board. There was no indication from the record that the condition significantly interfered with satisfactory performance of Air Force specialty duty requirements. All evidence considered, there is not reasonable doubt in the CI’s favor supporting recharacterization of the PEB fitness adjudication for any of the stated conditions.

Remaining Conditions. One other condition identified in the DES file was occasional shin splints. The condition was not clinically active or occupationally significant during the MEB period; it did not carry attached profiles, and was not implicated in the commander’s statement. The 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 depressive disorder (VA 50%) 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. The Board, therefore, has no reasonable basis for recommending any additional unfitting conditions for separation rating.

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 diabetes mellitus type I condition and IAW VASRD §4.120, the Board unanimously recommends no change in the PEB adjudication. In the matter of the hypertension and slightly overweight conditions, the Board unanimously recommends no change from the PEB adjudications as category II and category III, respectively. In the matter of the occasional shin splints condition, 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, as follows:

|  |  |  |
| --- | --- | --- |
| **UNFITTING CONDITION** | **VASRD CODE** | **RATING** |
| Diabetes Mellitus Type I | 7913 | 20% |
| **COMBINED** | **20%** |

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

The following documentary evidence was considered:

Exhibit A. DD Form 294, dated 20110408, w/atchs

Exhibit B. Service Treatment Record

Exhibit C. Department of Veterans' Affairs Treatment Record

XXXXXXXXXXXXXX

President

Physical Disability Board of Review

SAF/MRB

1500 West Perimeter Road, Suite 3700

Joint Base Andrews MD 20762

Dear XXXXXXXXXXXXX:

Reference your application submitted under the provisions of DoDI 6040.44 (Section 1554, 10 USC), PDBR Case Number PD-2011-00309

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,

XXXXXXXXXX

Director

Air Force Review Boards Agency