

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXX  
CASE NUMBER: PD1200457  
BOARD DATE: 20121212

BRANCH OF SERVICE: ARMY  
SEPARATION DATE: 20040912

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SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty SGT/E-5 (11B/Infantryman) medically separated for chronic left hip pain. He was treated, but did not improve adequately to fully perform his military duties or meet physical fitness standards. He was issued a permanent L3 profile and underwent a Medical Evaluation Board (MEB). The MEB found the internal snapping of the left hip condition, and patellofemoral arthrosis of the left knee condition as medically unacceptable IAW AR 40-501, and referred him to a Physical Evaluation Board (PEB). Two other conditions (intermittent mechanical low back pain, and cold intolerance after amputation of the tip of the left long finger conditions) identified in the rating chart below, were also identified and forwarded by the MEB as meeting retention standards. The PEB adjudicated the chronic pain, left hip condition as unfitting, rated 10% with application of the US Army Physical Disability Agency (USAPDA) Pain Policy/Guidance Memorandum #13. The other three conditions were all adjudicated as "not unfitting." The CI made no appeals, and was medically separated with a 10% disability rating.

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CI CONTENTION: "As an Infantry soldier of 14 years, I was limited in tasks I was able to perform and limited to only one event of the APFT."

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SCOPE OF REVIEW: The Board's scope of review as defined in DoDI 6040.44, is limited to those conditions which were determined by the PEB to be specifically unfitting for continued military service; or, when requested by the CI, those condition(s) "identified but not determined to be unfitting by the PEB." The unfitting left hip condition meets the criteria prescribed in DoDI 6040.44, and is accordingly addressed below. No other conditions are within the Board's purview. Any condition outside the Board's defined scope of review may be eligible for future consideration by the Army Board for Correction of Military Records.

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**RATING COMPARISON:**

Army PEB – dated 20040629			VA (~1 Mo. Post-Separation) – All Effective 20040913			
Condition	Code	Rating	Condition	Code	Rating	Exam
Chronic Pain, Left Hip	5099-5003	10%	Left Hip Popping	5251	0%*	20041117
Patellofemoral Arthrosis of the Left Knee	Not Unfitting		(No VA entry for Left Knee Pain)			
(No MEB/PEB entry for Right Knee Pain)			Residuals, Patellafractjre, Right Knee with Degenerative Changes	5003	10%	20041117
Intermittent Mechanical Low Back Pain	Not Unfitting		Mechanical Low Back Pain	5237	0%*	20041117
Cold Intolerance After Amputation of the Tip of the Left Long Finger	Not Unfitting		Amputation, Distal Portion Left Middle Finger	5154	10%	20041117
↓No Additional MEB/PEB Entries↓			Obstructive Sleep Apnea	6847	30%	20041117
			Tinnitus	6260	10%	20041117
			Tension –Style Headaches	8199-8100	10%	20041117
			0% X 3*		20041117	
<b>Combined: 10%</b>			<b>Combined: 50%</b>			

\*Included in the total three conditions with a 0% rating percentage.

**ANALYSIS SUMMARY:**

Chronic Left Hip Pain. In December 2000, the CI was injured in a motor vehicle accident (MVA). After the MVA, he complained of pain and popping in the left hip. He was treated, but the left hip problem persisted and an MEB was started. His MEB clinical evaluation was on 7 May 2004 at Fort Stewart, GA. Examination of the left hip revealed an audible and palpable “pop” with hip movement, and this was painful to the CI. Range-of-motion (ROM) was measured and is summarized in the chart below. On 17 November 2004, the CI had a VA Compensation and Pension (C&P) exam. At that time, he was working as a receiving clerk, lifting a maximum of 20-25 lbs. His gait and posture were normal. Examination of the left hip showed no evidence of degenerative changes or instability. ROM is summarized below.

Left Hip (Thigh) ROM	MEB ~4 Mos. Pre-Sep (20040507)	VA C&P ~2 Mos. Post-Sep (20041117)
Flexion (125° is normal)	90°	88°
External Rotation	40°	60°
Abduction (45° is normal)	32°	(not measured)
Comment	Pain with motion	Cramping in the groin
§4.71a Rating	10%*	0%

\*10% based on VASRD §4.40 (Functional loss), §4.45 (The joints), and §4.59 (Painful motion)

The Board carefully reviewed all evidentiary information available, and directs attention to its rating recommendation based on the above evidence. The CI’s limitation of hip motion was essentially non-compensable based on the Veterans’ Administration Schedule for Rating Disabilities (VASRD) §4.71a codes for loss of hip and thigh motion (5251, 5252, and 5253). However; IAW VASRD §4.40, §4.45, and §4.59, a 10% rating is warranted when there is satisfactory evidence of functional limitation due to painful motion of a major joint. At his May 2004 MEB exam, the CI did have a painful “pop” with hip motion. After due deliberation, considering all of the evidence and mindful of VASRD §4.3 (reasonable doubt), the Board concluded that there was insufficient cause to recommend a change in the PEB adjudication for the chronic left hip pain.

**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. As discussed above, PEB reliance on the USAPDA pain policy was operant in this case and the condition was adjudicated independently of that policy by the Board. In the matter of the chronic left hip pain and IAW VASRD §4.40, §4.45, §4.59, and §4.71a, the Board unanimously recommends no change in the PEB adjudication.

There were no other conditions within the Board's scope of review for consideration.

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**RECOMMENDATION:** The Board, therefore, recommends that there be no recharacterization of the CI's disability and separation determination, as follows:

<b>UNFITTING CONDITION</b>	<b>VASRD CODE</b>	<b>RATING</b>
Chronic Pain, Left Hip	5099-5003	10%
	<b>COMBINED</b>	<b>10%</b>

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The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120521, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans' Affairs Treatment Record

XXXXXXXXXXXXXXXXXX, DAF  
President  
Physical Disability Board of Review

SFMR-RB

MEMORANDUM FOR Commander, US Army Physical Disability Agency  
(TAPD-ZB / XXXXXXX), 2900 Crystal Drive, Suite 300, Arlington, VA 22202-3557

SUBJECT: Department of Defense Physical Disability Board of Review Recommendation for  
XXXXXXXXXXXXXXXXXX, AR20130000619 (PD201200457)

I have reviewed the enclosed Department of Defense Physical Disability Board of Review (DoD PDDBR) recommendation and record of proceedings pertaining to the subject individual. Under the authority of Title 10, United States Code, section 1554a, I accept the Board's recommendation and hereby deny the individual's application. This decision is final. The individual concerned, counsel (if any), and any Members of Congress who have shown interest in this application have been notified of this decision by mail.

BY ORDER OF THE SECRETARY OF THE ARMY:

Encl

XXXXXXXXXX  
Deputy Assistant Secretary  
(Army Review Boards)

CF:  
 DoD PDBR  
 DVA