

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXX
CASE NUMBER: PD1200685
BOARD DATE: 20121204

BRANCH OF SERVICE: ARMY
SEPARATION DATE: 20020701

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty SGT/E-5 (63Y20/Track Vehicle Mechanic), medically separated for chronic left calf strain. The condition began as a result of injury in 1997 and was not associated with a surgical indication. The CI did not improve adequately with treatment to meet the physical requirements of his Military Occupational Specialty (MOS) or satisfy physical fitness standards. He was issued a permanent L4 profile and referred for a Medical Evaluation Board (MEB). The MEB forwarded chronic left calf strain to the Physical Evaluation Board (PEB) as medically unacceptable IAW AR 40-501. The MEB forwarded no other conditions for PEB adjudication. The PEB adjudicated the left calf condition as unfitting, rated 0% with application of the Veteran’s Affairs Schedule for Rating Disabilities (VASRD). The CI made no appeals, and was medically separated with a 0% disability rating.

CI CONTENTION: The CI elaborated no specific contention in his application.

SCOPE OF REVIEW: The Board wishes to clarify that the scope of its review as defined in DoDI 6040.44, Enclosure 3, paragraph 5.e. (2) 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 ratings for unfitting conditions will be reviewed in all cases. Any conditions or contention not requested in this application, or otherwise outside the Board’s defined scope of review, remain eligible for future consideration by the Army Board for Correction of Military Records.

RATING COMPARISON:

Service IPEB – Dated 20020327			VA (14 Mos. Post-Separation) – All Effective Date 20020702			
Condition	Code	Rating	Condition	Code	Rating	Exam
Chronic Left Calf Strain	5099-5021	0%	Residuals, Left Lower Extremity Stress Fracture	5299-5262	10%	20030924
↓No Additional MEB/PEB Entries↓			Diabetes Mellitus Type II*	7913	20%	20030924
			Lumbar Strain	5295	10%	20030924
			Aortic Arteriosclerosis, Hypertension, Myocardial Infarction	7101-7007	10%	20030924
			0% X 1			20030924
Combined: 0%			Combined: 30%			

*Diabetes Mellitus Type II diagnosis effective 20030520; combined 40%

ANALYSIS SUMMARY: It is noted for the record that the Board recognizes the significant interval (14 months) between the date of separation and the first VA evaluation. DoDI 6040.44, under which the Board operates, specifies a 12-month interval for special consideration to VA findings. This does not mean that the VA information was disregarded, as it was a valuable source for clinical information and opinions relevant to the Board’s evaluation. In matters germane to the severity and disability at the time of separation, however, the information in

the service record was assigned proportionately more probative value as a basis for the Board's rating recommendations.

Left Calf Condition. The left calf condition began in 1997 while running. Evaluation in 1997 with magnetic resonance imaging (MRI) showed a hematoma under the medial aspect of the calf suggestive of a muscle tear. Initial splinting, ongoing activity restrictions, physical therapy and medications did not alleviate the pain that continued to arise from activity. A bone scan and electrophysiological studies of the leg in March 2000 were normal. A physical therapy follow-up evaluation performed on 11 September 2001 documented ankle dorsiflexion of 20 degrees (normal to 20 degrees). A clinic follow up on 25 September 2001 noted decreased strength of the left leg. At the narrative summary (NARSUM) exam approximately 5 months prior to separation, the CI reported left leg pain exacerbated by running, jumping, marching, riding in tactical vehicles and prolonged standing. Examination revealed diffuse mild calf tenderness. The ankle exhibited 0 degrees of dorsiflexion. Gait was not mentioned. At a VA clinic follow-up on 27 March 2003, the CI reported exercising almost every day. At the VA Compensation and Pension (C&P) exam 14 months after separation, the CI reported continuous pain during exercise activities and fast walking on a treadmill to less than one mile. He noted pain severity of 2-3 on a 0-10 point scale with weakness and stiffness. Exercise or heavy lifting caused the pain to flare to 4-5/10. Such flare ups occurred once per week and lasted for 1 or 2 days. Examination revealed a normal gait. There was no calf tenderness or painful motion noted. X-rays showed benign appearing cortical thickening of the proximal medial tibia. The examiner concluded that the CI suffered the sequelae of a stress fracture condition. At a second VA exam on the same date, the CI reported no lost time from work as a full time truck mechanic. Examination revealed a normal gait with no use of ambulatory aids. Range-of-motion (ROM) of the left knee and ankle was normal (ankle dorsiflexion 20 degrees). There was no swelling, tenderness or atrophy of the leg. Distal pulses were normal. A third concurrent C&P examiner reported that the CI had no restriction of activities. He performed fast paced treadmill walking of less than one mile 2-3 times per week, and could walk at a slow pace for 40-50 minutes. Muscle strength of the lower extremities was normal.

The Board directs attention to its rating recommendation based on the above evidence. The PEB's 0% rating was assigned under the 5021 code (Myositis). This coding approach is based on limitation of motion, but the only ROM in evidence prior to separation was ankle dorsiflexion, which the NARSUM examiner noted to be abnormal. Board members agreed that this limitation supported a 10% rating, and also concluded that there was ample evidence of pain with use to justify a 10% rating under §4.40. The VA's 10% rating under the analogous 5262 code (tibia and fibula, impairment of) was based on an assessment of "slight knee or ankle disability." The Board agreed that a higher rating under the 5262 code was not warranted. Due to the symptoms of muscle pain, the Board considered rating under a muscle disability code (5311, muscle group XI), but concluded that the condition's severity was not more than "moderate" under that pathway, and thus did not justify a rating greater than 10%. Finally, the Board deliberated a peripheral nerve code (8721, neuralgia of common peroneal nerve), but agreed this approach provided no avenue to a higher rating. After due deliberation, considering all of the evidence and mindful of VASRD §4.3 (reasonable doubt), the Board recommends a disability rating of 10% for the chronic left calf strain condition.

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 chronic left calf strain condition, the Board unanimously

recommends a disability rating of 10%, coded 5099-5021 IAW VASRD §4.71a. There were no other conditions within the Board's scope of review for consideration.

RECOMMENDATION: The Board recommends that the CI's prior determination be modified as follows, effective as of the date of his prior medical separation:

UNFITTING CONDITION	VASRD CODE	RATING
Chronic Left Calf Strain	5099-5021	10%
	COMBINED	10%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120610, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans' Affairs Treatment Record

XXXXXXXXXXXXXXXXXXXX, 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 XXXXXXXXXXXXXXXXXXXX, AR20120022727 (PD201200685)

1. I have reviewed the enclosed Department of Defense Physical Disability Board of Review (DoD PDBR) 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 to modify the individual's disability rating to 10% without recharacterization of the individual's separation. This decision is final.
2. I direct that all the Department of the Army records of the individual concerned be corrected accordingly no later than 120 days from the date of this memorandum.
3. I request that a copy of the corrections and any related correspondence be provided to the individual concerned, counsel (if any), any Members of Congress who have shown interest, and to the Army Review Boards Agency with a copy of this memorandum without enclosures.

BY ORDER OF THE SECRETARY OF THE ARMY:

Encl

XXXXXXXXXX
Deputy Assistant Secretary
(Army Review Boards)

CF:
 DoD PDBR
 DVA