

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXX
CASE NUMBER: PD1200716
BOARD DATE: 20121221

BRANCH OF SERVICE: ARMY
SEPARATION DATE: 20020115

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty SPC/E-4 (52D10/Generator Mechanic), medically separated for right wrist pain with limitations of motion secondary to a fall. The condition began as a result of injury in January 2001. He did not respond adequately to operative and rehabilitative treatment and was unable to meet the physical requirements of his Military Occupational Specialty (MOS) or satisfy physical fitness standards. He was issued a permanent U4 and referred for a Medical Evaluation Board (MEB). The MEB forwarded moderate frequent pain and healed radial osteotomy with iliac crest bone grafting to the Physical Evaluation Board (PEB) as medically unacceptable IAW AR 40-501. No other conditions appeared on the MEB's submission. The PEB adjudicated the right wrist pain with limitations of motion condition as unfitting, rated 10% with application of the Veteran's Affairs Schedule for Rating Disabilities (VASRD). The CI made no appeals, and was medically separated with a 10% disability rating.

CI CONTENTION: "10%."

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. The right wrist pain condition as requested for consideration meet the criteria prescribed in DoDI 6040.44 for Board purview; and, is addressed below. The remaining conditions rated by the VA at separation and listed on the DD Form 294 are not within the Board's purview. 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 20011116			VA (~8 Mos. Post-Separation) – All Effective Date 20020116			
Condition	Code	Rating	Condition	Code	Rating	Exam
Right Wrist Pain with Limitations of Motion Secondary To A Fall	5213	10%	Residuals, Right Wrist Fracture with Multiple Surgeries	5214	40%*	20020925
↓No Additional MEB/PEB Entries↓			0% X 2 / Not Service-Connected x10			20020918
Combined: 10%			Combined: 40%**			

*VA decision 20041110 increased to 50%, effective 20040526; combined to 60% including non-PEB conditions

**VA decision 20090926 increased to 90%, effective 20090417 due to non-PEB conditions

ANALYSIS SUMMARY: It is a fact that the Disability Evaluation System (DES) has neither the role nor the authority to compensate members for anticipated future severity or potential complications of conditions resulting in medical separation. This role and authority is granted by Congress to the Department of Veterans' Administration (DVA). The Board utilizes DVA

evidence proximal to separation in arriving at its recommendations; and, DoDI 6040.44 defines a 12-month interval for special consideration to post-separation evidence. The Board's authority as defined in DoDI 6044.40, however, resides in evaluating the fairness of the Disability Evaluation System (DES) fitness determinations and rating decisions for disability at the time of separation. Post-separation evidence therefore is probative only to the extent that it reasonably reflects the disability and fitness implications at the time of separation.

Right Wrist Pain Condition. On 17 January 2001 the right hand dominant CI slipped and fell, fracturing his right wrist at the distal radius. There were multiple bone fragments that required immediate open reduction and internal fixation (ORIF). However, healing of the bone in a mal-united position required another surgery on 10 May 2001, which included application of a bone graft from his iliac crest and repair of the triangular fibrocartilage complex (TFCC; a stabilizing ligamentous structure in the wrist). In spite of surgery and occupational therapy (OT), ongoing wrist pain interfered with duty performance. There were four goniometric range-of-motion (ROM) evaluations in evidence, with documentation of additional ratable criteria, which the Board weighed in arriving at its rating recommendation; as summarized in the chart below.

Right Wrist ROM	Surg ~3 Mo. Pre-Sep	NARSUM ~3 Mo. Pre-Sep	OT ~3 Mo. Pre-Sep	C&P ~8 Mos. Post-Sep
Dorsiflexion (0-70°)	25°	24°	0°	0°
Palmar Flexion (0-80°)	40°	36°	25°	8°
Ulnar Deviation (0-45°)	Not specified	10°	6°	0°
Radial Deviation (0-20°)		5°	0°	0°
Forearm Pronation (0-80°)	80°	70°	60°	90°
Forearm Supination (0-85°)	25°	20°	20°	90°
§4.71a Rating	10%	10%	20%	40%

A series of occupational therapy (OT) notes in July 2001 documented extension at 25-30 degrees and flexion of 15-20 degrees. The narrative summary (NARSUM) examiner 3 months prior to separation reported complaints of pain and reduced ROM. Examination revealed a neurovascularly intact right hand. All wounds were healed. X-rays showed the radial osteotomy site to be well healed with good alignment of the radius. The examiner opined that over time hand function should improve and pain should lessen. An OT evaluation approximately 3 months prior to separation noted that some of the pain was associated with tendinitis. Dynamic splinting was being provided. Examination showed wrist tenderness. At the VA Compensation and Pension (C&P) exam 8 months after separation, the CI reported constant wrist pain. Surgical scars were well healed. Pronation and supination were both 90 degrees. Grip strength was 2/4 (normal 4/4). Mild thenar, hypothenar and interosseus atrophy of the right hand was present.

The Board directs attention to its rating recommendation based on the above evidence. The PEB assigned a 10% rating under a 5213 code (supination and pronation, impairment of), which was justified based on supination of 30 degrees or less. The VA's 40% rating was assigned under the 5214 code for ankylosis of the dominant wrist in an unfavorable position. In deliberating a rating recommendation, the Board considered that the service exams were more consistent with each other and more proximal to separation than the VA exam. The Board therefore relied more heavily on the service exams in its assignment of probative value. Under the 5215 code, 10% is the highest possible rating, while a higher rating under code 5214 requires ankylosis of the wrist. Board members agreed that no service exam was consistent with wrist ankylosis, but considered if a higher rating was justified based on limited pronation. Under code 5213, motion lost beyond the last quarter of the pronation arc warrants a 20% rating. Since full pronation is 80 degrees, the 60 degree pronation reported by the OT examiner

does support the higher rating. However, Board members agreed that the totality of the evidence from the other service exams did not support this approach. The Board also considered additional rating on the basis of the surgical scars of the right wrist, as conferred by the VA. By precedent, the Board does not recommend separation rating for scars unless their presence imposes a direct limitation on fitness. 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 right wrist pain 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 right wrist pain condition and IAW VASRD §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.

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
Right Wrist Pain with Limitations of Motion Secondary To A Fall	5213	10%
	COMBINED	10%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120603, 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 / XXXXXXXX), 2900 Crystal Drive, Suite 300, Arlington, VA 22202-3557

SUBJECT: Department of Defense Physical Disability Board of Review Recommendation
XXXXXXXXXXXXXXXXXX, AR20130000848 (PD201200716)

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 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

XXXXXXXXXXXXX
Deputy Assistant Secretary
(Army Review Boards)

CF:
 DoD PDBR
 DVA