

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXXXXXX
CASE NUMBER: PD1200844
BOARD DATE: 20121204

BRANCH OF SERVICE: ARMY
SEPARATION DATE: 20011116

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty SPC/E-4 (14T/Patriot Launch Crewmember), medically separated for chronic right groin pain. The CI developed right groin pain at the site of a previously repaired right inguinal hernia after a military motor vehicle accident. The chronic right groin pain condition could not be adequately rehabilitated for the CI to meet the physical requirements of his Military Occupational Specialty (MOS) or satisfy physical fitness standards. He was issued a permanent L3 profile and referred for a Medical Evaluation Board (MEB). The MEB forwarded no other conditions for Physical Evaluation Board (PEB) adjudication. The PEB adjudicated the chronic right groin pain 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: "Nerve damage to groin and right leg vericous (*sic*) veins. Reaccuring (*sic*) inguinal hernias. Now herniated discs messed up shoulder and hip and neck."

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 contended hernia condition will be discussed with the groin pain condition. 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 20011010			VA – All Effective Date 20011117			
Condition	Code	Rating	Condition	Code	Rating	Exam
Chronic Right Groin Pain	8799-8730	0%	Scar, Residuals of Right Inguinal Hernia Repair	7338-7804	10%	STR, MEB, PEB
↓ No Additional MEB/PEB Entries ↓			0% X 2			STR, MEB, PEB
Combined: 0%			Combined: 10%			

ANALYSIS SUMMARY: The Disability Evaluation System (DES) is responsible for maintaining a fit and vital fighting force. While the DES considers all of the member's medical conditions, compensation can only be offered for those medical conditions that cut short a member's career, and then only to the degree of severity present at the time of final disposition. The DES has neither the role nor the authority to compensate members for anticipated future severity or potential complications of conditions resulting in medical separation nor for conditions determined to be service-connected by the Department of Veterans Affairs (DVA) but not determined to be unfitting by the PEB. However, the DVA, operating under a different set of

laws (Title 38, United States Code), is empowered to compensate all service-connected conditions and to periodically re-evaluate said conditions for the purpose of adjusting the Veteran's disability rating should his degree of impairment vary over time. The Board's role is confined to the review of medical records and all evidence at hand to assess the fairness of PEB rating determinations, compared to VASRD standards, based on severity at the time of separation.

Chronic Right Groin Pain Condition. The CI underwent mesh repair of an incarcerated right inguinal hernia (RIH) 23 November 1998, prior to his enlistment in the military. On enlistment examination, 20 February 1999, this repair was intact and asymptomatic with a well healed surgical scar. The CI developed pain at the surgical site after doing the 'splits' in a humvee accident July 2000. On clinic visit 10 July 2000, the CI reported a 2 month history of right groin pain. On examination, tenderness to palpation along the surgical incision site without mass or recurrence was noted. The CI was subsequently treated with multiple injections of the incision site, and oral medication with reduction of pain symptoms by 70%. On pain clinic evaluation performed on 16 January 2001, pain was described as episodically persistent, but, further improved. By 6 February 2001, pain was restricted to a small area in the mid surgical incision and further reduced after local wound cryoablation. By report, a laparoscopy, performed on 20 April 2001, revealed no internal evidence of hernia recurrence or mesh migration. At the MEB/narrative summary (NARSUM) evaluation performed on 23 August 2001, 3 months before separation, the CI reported constant severe pain and pressure in the surgical incision exacerbated by straining, and ambulation. The abdominal examination was negative except for tenderness in the right inguinal area over a well-healed scar. No VA Compensation and Pension (C&P) evaluation was performed. The Board directs attention to its rating recommendation based on the above evidence. The PEB rated the condition 0%, 8730, neuralgia, ilio-inguinal nerve, the highest rating achievable under this code IAW §4.124. The VA, basing its decision on the service treatment record (STR) and MEB evaluation, rated the condition 10%, 7804, single painful scar. A higher rating, 20% requires three to four painful scars, a condition not supported by the record in evidence. The Board noted the disparity between the findings of improving, episodic pain with reduction of the site of pain to a small area in the central surgical scar on multiple pain clinic visits and the report of the NARSUM of severe, constant pain with activity. The Board noted that the CI, prior to separation, was assigned a garrison position (S-1/75B) for 7 months where his performance was reported as outstanding and invaluable with no apparent inhibition of activity by severe pain. The Board unanimously agreed the groin condition was mild. 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 groin 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 chronic right groin condition and IAW VASRD §4.124, 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
Chronic Right Groin Pain	7388-8730	0%
	COMBINED	0%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120606, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans' Affairs Treatment Record

XXXXXXXXXXXXXX, DAF
President
Physical Disability Board of Review

SFMR-RB

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

SUBJECT: Department of Defense Physical Disability Board of Review Recommendation for
XXXXXXXXXXXXXXXXXX, AR20120022736 (PD201200844)

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

XXXXXXXXXXXXXX
Deputy Assistant Secretary
(Army Review Boards)

CF:
() DoD PDBR
() DVA

