

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXXXXXX
CASE NUMBER: PD1200869
BOARD DATE: 20130104

BRANCH OF SERVICE: ARMY
SEPARATION DATE: 20011115

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty, PFC/E3 (91X/Mental Health Specialist), medically separated for chronic right hip pain. The CI injured her right hip during the wall obstacle training exercise while in basic training in December 1999. She reported her hip was injured after being pushed into a wall by another soldier. She was treated conservatively with medication; however, she did not respond adequately to perform within her Military Occupational Specialty (MOS) or participate in the Army Physical Fitness Test (APFT), was issued a permanent L3 profile and underwent a Medical Evaluation Board (MEB). Activity limiting right hip pain was addressed in the narrative summary (NARSUM) and forwarded 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 right hip pain as unfitting, rated 0%, with cited application of the US Army Physical Disability Agency (USAPDA) pain policy. The CI did not an appeal and was medically separated with a 0% disability rating.

CI CONTENTION: "Recent discovery of additional related issue not previously disclosed to pt. Chronic pain since date of injury." The CI elaborated no specific contention in her application, but stated "Please see medical release."

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 unfitting right hip condition is the only condition that meets the criteria prescribed in DoDI 6040.44 for Board purview, and is addressed below. 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 20010806			STR USED – All Effective Date 20011116			
Condition	Code	Rating	Condition	Code	Rating	Exam
Right Hip	5099-5003	0%	Residual of R hip injury	5019	10%	STR
↓No Additional MEB/PEB Entries↓			0% X 0 / Not Service-Connected x 0			
Combined: 0%			Combined: 10%			

ANALYSIS SUMMARY:

Right Hip Condition. A month following right hip injury, the CI was diagnosed with rectus femoral tendonitis (thigh muscle/tendon irritation) and 10 months later (approximately a year prior to separation), she was diagnosed with subtrochanteric bursitis of the right hip joint. She

was offered surgery and refused (reasonably-per medical advisory opinion). Radiographic studies that included hip magnetic resonance imaging (MRI), and plain X-rays, were all negative for hip pathology. Bone scan of January 2000 noted mild stress changes to the right hip. The CI continued to complain of right hip pain which was treated with medication. MEB physical exam, 7.5 months pre-separation, documented hip flexion of 133 degrees (normal 125 degrees), abduction was 60 degrees (normal 45 degrees). The examiner stated, "There was questionable pain with flexion, abduction and internal rotation. Radiographs were normal. The remainder of the lower extremity examination was found to be normal." Review of treatment notes indicated multiple entries with painful motion and some entries with limited motion of the right hip. The Board directs attention to its rating recommendation based on the above evidence. The PEB rated IAW the USAPDA pain policy at 0% and the VA used the service treatment record (STR) to rate the condition at 10% coded 5019 (Bursitis). The Board adjudged that the record sufficiently documented pain on motion IAW VASRD §4.59 (painful motion). 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 right hip condition, coded 5019.

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 for rating right hip pain was operant in this case and the condition was adjudicated independently of that policy by the Board. In the matter of the right hip condition, the Board unanimously recommends a disability rating of 10%, coded 5019 IAW VASRD §4.59. 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 her prior medical separation:

UNFITTING CONDITION	VASRD CODE	RATING
Chronic Pain Right Hip	5019	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

XXXXXXXXXXXXXX, DAF
 President
 Physical Disability Board of Review

SFMR-RB

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

SUBJECT: Department of Defense Physical Disability Board of Review Recommendation
for XXXXXXXXXXXXXXXXXXXX, AR20130000729 (PD201200869)

1. 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 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 PDDBR
() DVA