

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXX
CASE NUMBER: PD1200904
BOARD DATE: 20121219

BRANCH OF SERVICE: ARMY
SEPARATION DATE: 20030728

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that the covered individual (CI) was an Army National Guard PFC/E-3 (63W0/Wheel Vehicle Mechanic), medically separated for “rhabdomyositis post episode of rhabdomyolysis, with chronic back and chest pain, without limitation of motion.” During the first week of basic training, the CI collapsed in his bay after completing physical training and was hospitalized. Inpatient testing revealed an assessment of rhabdomyolysis. The CI was issued a permanent P3 profile and referred for a Medical Evaluation Board (MEB). In accordance with AR 40-501, chapter 3-46b, the MEB found the CI’s condition medically unacceptable for service in the US Army. He was then referred to a Physical Evaluation Board (PEB). In its referral, the MEB annotated back and chest pain, secondary to the CI’s rhabdomyositis, for the PEB’s consideration. The PEB found the CI’s condition unfitting for his “rhabdomyositis post episode of rhabdomyolysis, with chronic back and chest pain, without limitation of motion.” The PEB rated the CI’s condition at 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 application simply states, with no elaboration: (sic) “Because I have reoccurring problems and symptoms with the condition that affect my job and home life. Most employers won’t hire me because of this. That affects my family and living expenses.”

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; and, when requested by the CI, those condition(s) “identified but not determined to be unfitting by the PEB.” Accordingly, the rating for the single specified unfitting condition of rhabdomyositis 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 PEB – Dated 20030529			VA All Effective Date 20030729			
Condition	Code	Rating	Condition	Code	Rating	Exam
Rhabdomyositis Post Episode of Rhabdomyolysis, with Chronic Back and Chest Pain, Without Limitation Of Motion	5099-5021	0%	Rhabdomyositis	5099-5025	0%	STR
Combined: 0%			Combined: 0%			

ANALYSIS SUMMARY.

Rhabdomyositis Condition. During the first week of basic training the CI was admitted for “a two day history of fatigue, dizziness, muscle aching particularly the chest and upper extremities along with cramps in his lower extremities.” He was found to have an elevated creatinine kinase level over 12,000 and was diagnosed with rhabdomyolysis. He was treated and discharged. Seven months after the rhabdomyolysis episode, he continued to complain of chest and lower back pain worse with motion. He was diagnosed with rhabdomyositis. At the MEB exam performed 3 months prior to separation, the CI reported continued back and chest pain with generalized headaches. The MEB physical exam noted that the CI was “standing and walking without difficulty but showing signs of pain while standing from a sitting position.” The exam was significant for tenderness to palpation at the lower back and sacral area with full forward flexion, lateral flexion, and rotation. There were no abnormal cardiac or pulmonary findings. The MEB radiographic evaluations were normal. There was no VA exam.

The Board directs attention to its rating recommendation based on the above evidence. The PEB coded rhabdomyositis post-rhabdomyolysis as 5099-5021, analogous to myositis at 0%. Myositis, is rated per the 5003 rating criteria which allows for compensation of pain limited range-of-motion (ROM) that does not reach a compensable level under other limitation of motion VASRD codes. The VA coded rhabdomyositis as 5099-5025 at 0%, analogous to fibromyalgia for widespread musculoskeletal pain, not requiring constant medication based on the service treatment records. The Board deliberated if the examiner’s statement of showing signs of pain when moving from a sitting to standing position indicated adequate evidence of painful 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 rhabdomyolysis, with chronic back and chest pain condition, rated analogously to 5099-5021, myositis, for painful motion.

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 rhabdomyositis post episode of rhabdomyolysis, with chronic back and chest pain 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
Rhabdomyositis post episode of rhabdomyolysis, with chronic back and chest pain, without limitation of motion	5099-5021	10%
	COMBINED	10%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120608, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans' Affairs Treatment Record

XXXXXXXXXXXXX, 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
for XXXXXXXXXX, AR20130000112 (PD201200904)

1. I have reviewed the enclosed Department of Defense Physical Disability Board of Review (DoD PD BR) 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

XXXXXXXXXXXXX
Deputy Assistant Secretary
(Army Review Boards)

CF:
 DoD PD BR
 DVA