

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXX  
CASE NUMBER: PD1200978  
BOARD DATE: 20130109

BRANCH OF SERVICE: ARMY  
SEPARATION DATE: 20011220

**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty PFC/E-3 (91C/Utilities Equipment Repairer), medically separated for stress fracture right third metatarsal shaft. In addition, she also began experiencing pain in her left groin which was diagnosed as a left inferior pubic ramus stress fracture. Despite medications, profiling, activity modifications, shoe wear modifications, physical therapy and casting, these conditions limited her from performing her Military Occupational Specialty (MOS) specific duties, and any kind of physical training. She was issued a permanent L3 profile (113111) and referred for a Medical Evaluation Board (MEB). Stress fracture, left inferior pubic ramus and stress fractures, right first through fourth metatarsal shaft conditions, identified in the rating chart below, were also identified and forwarded by the MEB. The Physical Evaluation Board (PEB) adjudicated the stress fractures, right first through fourth metatarsal shaft, as a stress fracture right third metatarsal shaft and determined it to be unfitting, rated 10%, with cited application of the Department of Defense Instruction (DoDI) 1332.39 (paragraph E2.A1.23.1.4). The remaining condition was determined to be not unfitting. The CI made no appeals, and was medically separated with a 10% disability rating.

**CI CONTENTION:** "I had two injuries – broken metatarsal and fractured pelvis – but was only rated for one injury."

**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" (stress fracture, right third metatarsal shaft). The fractured pelvis condition as requested for consideration meets the criteria prescribed in DoDI 6040.44 for Board purview; and, is addressed below, in addition to a review of the ratings for the unfitting condition, as well as a review of fitness of the first, second and fourth right metatarsals. 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 20021101			VA (2 Mos. Post-Separation) – All Effective Date 20011210			
Condition	Code	Rating	Condition	Code	Rating	Exam
Stress fracture, right third metatarsal shaft	5279	10%	Residuals stress fractures, right first thru fourth met a tarsal shaft	5284	10%	20020225
Stress fracture, left inferior pubic ramus	Not Unfitting		Residual stress fracture. Left inferior pubic ramus	5299-5298	0%	20020225
↓No Additional MEB/PEB Entries↓			Not Service-Connected x 1			20020225
<b>Combined: 10%</b>			<b>Combined: 10%</b>			

## ANALYSIS SUMMARY:

Stress Fracture, Right Third Metatarsal Shaft Condition. The MEB narrative summary (NARSUM) noted a history of right foot pain starting in December 2000, after basic training. At that time, the CI was diagnosed with a right foot, third metatarsal stress fracture. A bone scan from 12 June 2001, showed stress fracture in her right first through fourth metatarsal shaft, however contemporaneous clinical examinations indicated tenderness only of the third metatarsal bone. X-rays demonstrated a fracture with callus formation of the third metatarsal but not of the other bones in the foot. Orthopedic examinations noted only the third metatarsal as the focus of clinical attention. The NARSUM physical examination, performed on 3 October 2001, 2 months pre-separation noted tenderness to palpation about the dorsal and plantar aspect of her third metatarsal shaft but nontender over her first, second, & fourth metatarsals. The foot was supple (forefoot, midfoot, and hindfoot), and the metatarsal heads and inter-metatarsal spaces were nontender. Sensation, strength and pulses were normal. Recent radiographs of the right foot demonstrated a healing non-displaced third distal metatarsal shaft fracture w/ callous formation (indicating healing). Range-of-motion (ROM) for the foot and ankle were normal. At the VA Compensation and Pension (C&P) exam, 2 months after separation, the CI reported continuous pain in her foot. On examination, the feet were symmetric in appearance without out bony abnormality, skin changes, scars, ulcers, soft tissue swelling, edema, or abnormal calluses. There was very mild tenderness on the right forefoot in the area corresponding to “the metatarsal”, but was otherwise non-tender. The examiner referred to “the metatarsal” in the examination and in the history noted the fracture of the third metatarsal, implying the examiner was referring to the third metatarsal on the examination. Gait was normal. X-rays of the feet were normal and specifically reported there was no evidence of any old or recent fracture. A diagnosis of right foot overuse strain is given and the examiner noted the Veteran experienced no additional loss of function secondary to increased pain during flare-ups or weakness after repetitive use.

Contended PEB Conditions. The contended conditions adjudicated as not unfitting by the PEB was the stress fracture, left inferior pubic ramus. The Board’s first charge with respect to these conditions is an assessment of the appropriateness of the PEB’s fitness adjudications. The Board’s threshold for countering fitness determinations is higher than the VASRD §4.3 (Resolution of reasonable doubt) standard used for its rating recommendations, but remains adherent to the DoDI 6040.44 “fair and equitable” standard.

Stress fracture, left inferior pubic ramus condition. According to the NARSUM, dated 3 October 2001, the CI began experiencing pain in her left groin in December 2000 which the CI thought to be a minor strain and did not seek medical care. Bone scanning in June 2001 demonstrated a stress fracture of the left inferior pubic ramus and X-rays demonstrated healing with callus formation. The CI received the diagnosis of left inferior pubic ramus stress fracture. The CI continued to complain of pain in her groin which was not alleviated by nonsteroidal anti-inflammatory medications, profiling, and activity modifications. The treatment record entries do not make comments specifically regarding limitations resulting from the pelvic ramus stress fracture and after the bone scan; both the foot and pelvic rami stress fractures are combined in clinic notes. Prior to the bone scan, only the right foot was indicated as interfering with performance of duty and there were no service treatment record entries for groin pain or hip pain except one entry for buttock pain in March 2001. Following the June 2001 bone scan, the combination of both conditions (metatarsal stress fracture and pubic ram stress fracture) was determined to limit her from performing her MOS specific duties, and performing any kind of physical training with her unit. The Board noted the X-ray results showing the presence of callus formation combined with the results of the bone scan confirmed a recent stress fracture that would reasonably be expected to be symptomatic and result in symptoms with vigorous military training. All members agreed that based on that evidence, and the opinion of treating physicians who indicated the pelvic ramus stress fracture was duty limiting, the condition was

unfitting for continued military service. Next, the Board considered the rating for the unfitting left inferior pelvic ramus stress fracture at the time of separation. An orthopedic examination performed on 24 July 2001 recorded hip flexion of 125 degrees, extension 15 degrees, external rotation 50 degrees, and external rotation 30 degrees. There was tenderness over the inferior pelvic rami. A 2 August 2001 clinic encounter recorded non-antalgic gait. The NARSUM examination, 3 October 2001 (2 months before separation), showed a normal left hip ROM with flexion to 130 degrees, external rotation to 50 degrees, and internal rotation 45 degrees all without pain. The CI was non-tender to palpation over the area of the left pubic ramus and lower extremity strength was normal. The C&P exam of the hip on 25 February 2002 states there was no tenderness of the pelvis or the pelvic rings (rami). All ROM were non-tender but reduced compared to prior examinations (flexion 80 degrees, extension 20 degrees, abduction 40 degrees, and adduction 20 degrees), however, this mobility range was observed to be identical in both hips (i.e. the normal side as well as the affected side) indicating it to be normal and not clinically or functionally significant. Gait and strength were normal. X-rays demonstrated a small density in the left anterior ischial ramus thought to be a bone island by the radiologist but correlated with the site of the prior stress fracture indicating continued healing. The radiologist concluded the bony pelvis was intact without any old or recent fractures and both hips were unremarkable. The VA decision acknowledged service-connection for residual stress fracture, left inferior pubic ramus which was granted with an evaluation of 0 percent analogously to 5298, coccyx. The Board also considered the rating analogously under the diagnostic codes for the hip, including limitation of motion (5251, 5252, and 5253) and the femur (5255 fracture with malunion). Examinations showed no compensable limitation of motion. The slightly reduced ROM on the C&P examination compared to the NARSUM examination is not explained by any pathology or new injury and was observed in both hips and therefore is considered normal. The Board noted the otherwise normal examinations and normal gait and concluded the unfitting pelvic ramus stress fracture condition most nearly approximated the 0% rating adjudicated by the VA at the time of separation. After due deliberation in consideration of the preponderance of the evidence, the Board concluded that the preponderance of evidence was sufficient to recommend a change in the PEB fitness determination for the stress fracture, left inferior pubic ramus, to unfit, and recommends a disability rating of 0%, coded 5299-5298.

The Board directs attention to its rating recommendation based on the above evidence. The PEB and VA chose different coding options for the condition, but this had no bearing on the rating. The PEB rated 10%, using an analogous 5279 code, metatarsalgia (Morton disease). The VA elected to rate the condition separately under the 5284 code (foot injuries, other) and assigned a 10% rating based on moderate foot injury. The Board considered the rating for the unfitting right foot metatarsal stress fractures under the codes used by the PEB and VA (5279 and 5284 respectively) as well as 5283, malunion of metatarsal bones. The stress fracture of the third metatarsal was healing by the time of the NARSUM and X-rays at the time of the C&P examination indicated no evidence of fracture or malunion. Examination findings were completely normal including gait except for mild tenderness of the metatarsal bone. All Board members agreed there was no evidence to support a rating higher than the 10% adjudicated by the PEB or the VA. The Board noted the presence on bone scan of stress fractures of the first, second, and fourth metatarsal bones of the right foot. The third metatarsal fracture was the predominant and most symptomatic injury in the right foot as evidenced by X-ray and examination findings. Regardless, the involvement of these bones in the right foot do warrant consideration for a separate rating as any contribution to impairment made by these stress fractures is subsumed in the rating for the right foot injury. In accordance with §4.14 (Avoidance of pyramiding), separate ratings may not be granted based on the same disability under various diagnoses. After due deliberation, considering all of the evidence and mindful of VASRD §4.3 (Resolution of reasonable doubt), the Board concluded that there was insufficient cause to recommend a change in the PEB adjudication for the right foot metatarsal stress fracture 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. As discussed above, PEB reliance on DoDI 1332.39 for rating stress fracture right third metatarsal shaft was operant in this case and the condition was adjudicated independently of that instruction by the Board. In the matter of the stress fracture right third metatarsal shaft condition and IAW VASRD §4.71a, the Board unanimously recommends no change in the PEB adjudication. In the matter of the contended stress fracture right first, second and fourth metatarsal shaft condition, the Board unanimously recommends no change from the PEB determination as these bone scan findings are not separately ratable and are considered under the rating for the foot condition. In the matter of the contended stress fracture, left inferior pubic ramus condition, the Board unanimously recommends change from the PEB determination as not unfitting to unfit with a rating of 0%. 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:

<b>UNFITTING CONDITION</b>	<b>VASRD CODE</b>	<b>RATING</b>
Stress Fracture, Right Third Metatarsal Shaft	5279	10%
Stress Fracture, Left Inferior Pubic Ramus	5299-5298	0%
	<b>COMBINED</b>	<b>10%</b>

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120625, 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 / XXXXXXXX), 2900 Crystal Drive, Suite 300, Arlington, VA 22202-3557

SUBJECT: Department of Defense Physical Disability Board of Review Recommendation  
 for XXXXXXXXXXXXXXXXX, AR20130001033 (PD201200978)

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

XXXXXXXXXXXX  
Deputy Assistant Secretary  
(Army Review Boards)

CF:  
 DoD PDDBR  
 DVA