RECORD OF PROCEEDINGS

PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXX BRANCH OF SERVICE: Army

CASE NUMBER: PD1200073 SEPARATION DATE: 20080622

BOARD DATE: 20120730

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty PFC/E-3 (31B/Military Police), medically separated for left hip/pelvic pain. The CI developed left hip (pubic ramus) pain in basic training in January 2007. Bone scans and magnetic resonance imaging (MRI) indicated stress fracture of the left pubic ramus (pelvis) that did not adequately respond to conservative treatment including pain medications and periods of decreased activity. The left hip/pelvic pain condition could not be adequately rehabilitated to meet the physical requirements of her Military Occupational Specialty (MOS) or satisfy physical fitness standards. She was issued an L3 profile and referred for a Medical Evaluation Board (MEB). The MEB forwarded “joint pain both hips” as medically unacceptable and normal pregnancy as a medically acceptable condition to the PEB. The PEB adjudicated the left hip/pelvic pain condition as unfitting, rated 10%, with application of the Veteran’s Affairs Schedule for Rating Disabilities (VASRD). The Army issued a Revised PEB DA Form 18 with no change in the rating. The CI made no appeals, and was medically separated with a 10% disability rating.

CI CONTENTION: The CI elaborated no specific contention in her application.

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. 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 the Correction of Military Records (BCMR).

RATING COMPARISON:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Revised PEB – Dated 20080514** | | | **VA (NO SHOW) – All Effective Date 20080623** | | | |
| **Condition** | **Code** | **Rating** | **Condition** | **Code** | **Rating** | **Exam** |
| Left Hip/Pelvic Pain | 5299-5255 | 10% | Left Inferior Pubic Ramus Fracture claimed as Hip Fracture | 5252 | 0% | No Show  STR |
| Normal Pregnancy | Not Unfitting | | No VA Entry (Noted under 5252) | | | |
| ↓No Additional MEB/PEB Entries↓ | | | 0% X 0 / Not Service-Connected x 0 | | | No Exam |
| **Combined: 10%** | | | **Combined: 0%\*** | | | |

\* VARD dated 20081121 provided a noncompensable 5252 rating (0%) based on service records (STR).

ANALYSIS SUMMARY:

Left Hip/Pelvic Pain Condition. The narrative summary (NARSUM) notes a history of a left pubic ramus stress fracture during basic training and successful completion of advanced training including fitness testing (APFT). Pain resolved with rest and recurred on resuming activities. Bone scan indicated stress fractures “in the hip and shins,” and MRI indicated healing of in the area of the left inferior pubic ramus with no other hip or pelvic pathology noted, and no acute processes. The CI was pregnant during the MEB exam. There were two 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.

|  |  |  |
| --- | --- | --- |
| Left/Right Hip (Thigh) ROM | PT ~3 Mo. Pre-Sep | MEB ~3 Mo. Pre-Sep |
| Flexion (0-125⁰) | 99⁰/105⁰ [-5⁰]\* | 25⁰/20⁰\* |
| Extension (0-20⁰) | 0⁰/12⁰ | See text\* |
| Abduction (0-45⁰) | 32⁰/62⁰ [-1⁰]\* |
| Comment | Flexion 5⁰ and abduction 1⁰ decrease after repetition | Pregnancy limits bilateral hip ROMs; +tender bilat.; Left hip pain limited; Right without pain; negative DeLuca |
| §4.71a Rating | 10%\* | 10%\* |

\* see text

At the MEB exam, the CI reported left hip area pain that was usually tolerable unless exacerbated by activity. Pain on walking from the hospital to her car required rest, and pain sometimes interfered with sleep. The CI indicated pain flare-up with virtually any use. There did not appear to be complaints of fatigue, weakness, lack of endurance or instability separate from pain. The MEB physical exam noted bilateral tenderness at the lateral inguinal folds. There was no instability. The exam indicated that hip flexion was limited by pain to 25⁰ on the left, with 20⁰ on the right which did not worsen with repetition. The CI could cross legs and toe out to 15⁰. There was obvious discomfort at 45⁰ passive abduction with both legs. Treatment notes were mixed on indicating normal gait or a slight limp. There was no evidence of lower extremity sensory or motor focal deficit.

The examiner stated “flexion of right hip not really painful, limitation appears due more to presence of intrauterine pregnancy. Flexion of left hip limitation due more to pain than to pregnancy. The examiner specifically noted the significant difference in his exam ROMs from the PT measurements and attributed the difference to advancing pregnancy and normal variation in pain level with time. Fatigue, weakness, lack of endurance, and incoordination did not appear to significantly limit functional ability.

The PEB rated this condition as 5299-5255 at 10% stated:

“Left hip/pelvic pain following healing of a left pubic ramus stress fracture. This interferes with her weight bearing activities as well as wearing a pistol belt. Left hip flexion is 99 degrees (105 degrees on right), extension is 0 degrees (12 degrees on right), abduction is 32 degrees (62 degrees on right, left knee is 0-130 degrees (right is 0-138 degrees). Rated by analogy (VASRD 4.20) to impairment of the femur and even though there is no malunion, this most accurately reflects her functional loss (VASRD 4.40). Rated as having slight knee or hip disability.”

The CI failed to show for a scheduled VA Compensation and Pension (C&P) exam, and there were no VA C&P exams or treatment notes in evidence. The VARD, dated 21 November 2008, provided a non-compensable 5252 rating (0%) for “left inferior pubic ramus fracture claimed as hip fracture” based on the service treatment record.

The Board directs attention to its rating recommendation based on the above evidence. The PT ROM would rate no higher than 10% with application of §4.59 painful motion. Although the stated NARSUM ROMs indicated thigh flexion limited to 25⁰ due to pain, this limitation was less than the non-involved opposite side which was limited due to pregnancy. This was considered a special case where other factors not the result of disease or injury (pregnancy) led to the CI’s normal ROM not being the VASRD normal ROM of the thigh IAW VASRD plate II. The Board considered alternate coding under 5252, thigh limitation of flexion, at 10% with application of VASRD §4.59, but agreed that the PEB’s analogous coding of 5299-5255 at 10% was equivalent.

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 left hip/pelvic 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 left hip/pelvic 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:

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| --- | --- | --- |
| **UNFITTING CONDITION** | **VASRD CODE** | **RATING** |
| Left Hip/Pelvic Pain | 5299-5255 | 10% |
| **COMBINED** | **10%** |

The following documentary evidence was considered:

Exhibit A. DD Form 294, dated 20120117, w/atchs

Exhibit B. Service Treatment Record

Exhibit C. Department of Veterans’ Affairs Treatment Record

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President

Physical Disability Board of Review

SFMR-RB

MEMORANDUM FOR Commander, US Army Physical Disability Agency

(TAPD-ZB / ), 2900 Crystal Drive, Suite 300, Arlington, VA 22202

SUBJECT: Department of Defense Physical Disability Board of Review Recommendation for XXXXXXXXXXXXXXXXXXXXXXXX, AR20120015216 (PD201200073)

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 XXXXXXXXXXXXXXXXXXXXXX

Deputy Assistant Secretary

(Army Review Boards)

CF:

( ) DoD PDBR

( ) DVA