

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXX  
CASE NUMBER: PD1200372  
BOARD DATE: 20121116

BRANCH OF SERVICE: ARMY  
SEPARATION DATE: 20090112

**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects that this covered individual (CI) was a CPT/O-3 (14A, Air Defense Officer) medically separated for ulcerative colitis (UC). She was treated, but did not improve adequately to fully perform her military duties or meet physical fitness standards. She was issued a permanent profile and underwent a Medical Evaluation Board (MEB). The MEB found her ulcerative colitis condition medically unacceptable, and referred her to a Physical Evaluation Board (PEB). Two other conditions (bilateral wrist ganglion cyst & intermittent left knee pain) were also listed on the DA Form 3947. The PEB found the ulcerative colitis condition unfitting, and rated it 10% IAW the VA Schedule for Rating Disabilities (VASRD). The wrist and knee conditions were adjudicated as not unfitting. The CI accepted the PEB findings, and was medically separated with a 10% rating.

**CI CONTENTION** "Chronic illness that will fluctuate through the rest of my life. I have had several flare ups since leaving the military and recently had another flare up in Oct 2011-Jan 2012. The flare ups prevented me from attending CCC; hindering my military career. This currently still affects my daily activities."

**SCOPE OF REVIEW:** The Board's scope of review as defined in DoDI 6040.44, 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 unfitting ulcerative colitis condition meets the criteria prescribed in DoDI 6040.44 for Board purview, and is accordingly addressed below. No other condition is within the Board's purview. Any condition outside the Board's defined scope of review may be eligible for future consideration by the Army Board for the Correction of Military Records.

**RATING COMPARISON:**

Army PEB – dated 20080924			VA (2 mos. Post-Separation) – All Effective 20100223			
Condition	Code	Rating	Condition	Code	Rating	Exam
Ulcerative Colitis	7323	10%	Ulcerative Colitis	7323	30%	20100726
Bilat. Wrist Ganglion Cysts	Not Unfitting		Arthritis, Right Wrist	5010-5215	10%	20100726
			Sprain, Left Wrist	5299-5215	0%	20100726
Left Knee Pain	Not Unfitting		Scar, Left Knee	7804	10%	20100726
			Status Post ACL Reconstruction with Fibrositis and Arthritis, Left Knee	5010-5260	10%	20100726
↓ No Additional MEB/PEB Entries ↓			None			
<b>Combined: 10%</b>			<b>Combined: 50%</b>			

**ANALYSIS SUMMARY:** The Board acknowledges the sentiment expressed by the CI regarding the significant impact that her ulcerative colitis condition has had on her quality of life. However, the Disability Evaluation System (DES) has neither the role nor the authority to compensate service members for future severity or potential complications of unfitting medical conditions. This role and authority is granted by Congress to the Department of Veterans' Affairs (DVA). The Board uses DVA evidence proximal to separation in arriving at its recommendations, but the Board's authority resides in evaluating the fairness of DES fitness determinations and rating decisions at the time of separation. Post-separation evidence is probative only to the extent that it reasonably reflects the disability and fitness implications at separation.

**Ulcerative Colitis (UC).** In February 2005 after exercising, the CI had an episode of bloody diarrhea. Her problem was initially diagnosed as hemorrhoids. Ten months later (December 2005) she was seen by gastroenterology and was diagnosed with ulcerative colitis (proctitis). Many different treatment options were tried. Eventually, it was found that her symptoms were controlled with low-dose Imuran (Azathioprine) therapy. Due to her chronic gastrointestinal (GI) disease, an MEB was initiated. Her MEB clinical evaluation was in August 2008, at Landstuhl Regional Medical Center (LRMC). At that time, she was asymptomatic and her GI disease was in remission. Physical examination of the abdomen was unremarkable, except for some tenderness in the left lower quadrant. As noted above, she was medically separated from the Army on 12 January 2009, with a 10% disability rating. On 26 July 2010, the CI had a VA Compensation and Pension (C&P) exam. At that time, she was trying to get pregnant, and her medication had been switched from Imuran to Lialda (Mesalamine). Physical examination of the abdomen was unremarkable.

The Board carefully reviewed all evidentiary information available. At the time of separation from service, the CI was taking low-dose Imuran therapy. She was asymptomatic and her GI disease was in remission. IAW VASRD §4.114 (diagnostic code 7323), a rating of 10% is warranted when ulcerative colitis is moderate, with infrequent exacerbations. The Board determined that at the time of separation, since she was asymptomatic and her GI disease was in remission, it is reasonable to conclude that her UC condition was moderate, with infrequent exacerbations. The Board unanimously recommends a disability rating of 10% for the UC condition. It is appropriately coded 7323, and meets criteria for the 10% rating level. A higher rating of 30% is not warranted, unless the UC condition was moderately severe, with frequent exacerbations. 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 ulcerative colitis (proctitis) condition.

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**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 ulcerative colitis (proctitis) condition and IAW VASRD §4.114, the Board unanimously recommends no change in the PEB adjudication. There were no other conditions within the Board's scope of review for consideration.

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**RECOMMENDATION:** The Board, therefore, recommends that there be no recharacterization of the CI's disability and separation determination, as follows:

<b>UNFITTING CONDITION</b>	<b>VASRD CODE</b>	<b>RATING</b>
Ulcerative colitis (proctitis)	7323	10%
	<b>COMBINED</b>	<b>10%</b>

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The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120420, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans' Affairs Treatment Record

XXXXXXXXXXXXXXXXXXXX  
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 22202-3557

SUBJECT: Department of Defense Physical Disability Board of Review Recommendation for  
XXXXXXXXXXXXXXXXXXXX, AR20120021435 (PD201200372)

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

XXXXXXXXXXXXXXXXXXXX  
Deputy Assistant Secretary  
(Army Review Boards)

CF:  
( ) DoD PDBR  
( ) DVA