

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXX
CASE: PD1200487
BOARD DATE: 20121106

BRANCH OF SERVICE: ARMY
SEPARATION DATE: 20030803

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an activated National Guard PFC/E-3 (63W/Light Wheeled Mechanic), medically separated for chronic pain, left hip, status post open reduction and internal fixation of femoral neck stress fracture. She complained of left hip pain since 2002 while undergoing basic training, and was diagnosed with a stress fracture. She subsequently underwent an open reduction and internal fixation of the left femoral neck; and she was able to graduate from basic training. She had the same complaints after the surgery. A second surgery was performed in May 2002 but the CI could not be adequately rehabilitated to meet the physical requirements of her Military Occupational Specialty or satisfy physical fitness standards. She was issued a permanent L3 profile and referred for a Medical Evaluation Board (MEB). The MEB forwarded no other conditions for Physical Evaluation Board (PEB) adjudication. The PEB adjudicated chronic pain, left hip, status post open reduction and internal fixation of femoral neck stress fracture as unfitting, rated 10% with cited application of the US Army Physical Disability Agency (USAPDA) pain policy. The CI rebutted her PEB findings and the USAPDA upheld the PEB findings, and the CI was medically separated due to medical disability.

CI CONTENTION: "The issue with my left leg has not improved over time, has gotten worse + limited my ability to be physically active."

SCOPE OF REVIEW: The Board's scope of review is defined in DoDI 6040.44, Enclosure 3, paragraph 5.e. (2). It is limited to those conditions determined by the PEB to be unfitting for continued military service and those conditions identified but not determined to be unfitting by the PEB when specifically requested by the CI. 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 Correction of Military Records. Also IAW DoDI 6040.44, the Board's authority is limited to making recommendations on correcting disability determinations. The Board's role is thus confined to the review of medical records and all evidence at hand to assess the fairness of PEB rating determinations, compared to Veteran's Administration Schedule for Rating Disabilities (VASRD) standards, based on ratable severity at the time of separation. The Board acknowledges the CI's information regarding the significant impairment with which the service-connected condition continues to burden her; but, must emphasize that the Disability Evaluation System has neither the role nor the authority to compensate members for anticipated future severity or potential complications of conditions resulting in medical separation. That role and authority is granted by Congress to the Department of Veterans' Affairs, operating under a different set of laws.

RATING COMPARISON:

Service IPEB – Dated 20030516			VA - (~2 Mos. Post-Separation) VARD 20040322 (most proximate to Date of Separation)			
Condition	Code	Rating	Condition	Code	Rating	Exam
Chronic Pain, Left Hip, Status Post Open Reduction and Internal Fixation of Femoral Neck Stress Fracture	5099-5003	10%	Residuals of Fibrous Dysplasia and Femoral Neck Stress Fracture Status Post Open Reduction and Internal Fixation, Left Hip	5255	20%	20030926
Combined: 10%			Combined: 20%			

ANALYSIS SUMMARY:

Left Hip Condition. The goniometric range-of-motion (ROM) evaluations in evidence which the Board weighed in arriving at its rating recommendation, with documentation of additional ratable criteria, are summarized in the chart below.

Left Hip ROM (Degrees)	MEB ~ 4 Mo. Pre-Sep (20030409) p.32	VA C&P ~2 Mo. Post-Sep (20030926) p.107
Flexion (125 Normal)	110	115
Extension (20)	-	15
External Rotation (45)	55	45
Abduction (0-45)	-	45
Adduction (45)	-	5
Comment	Fex and Ext rot symmetric bilat; tender; + heel tap; L int rot 30 / R 45; occ L knee pain; c/o lat thigh occ goes numb	Painful ROM; normal gait; 5 of in rot; see text for adduction and flares comments.
§4.71a Rating	10%	10-20% (VA 20%)

The narrative summary (NARSUM) diagnosis was status post left femoral neck stress fracture with open reduction and internal fixation. The CI complained of left hip pain with occasional knee pain and lateral thigh numbness. She was unable to run, do sit-ups or do any type of lifting. Exam is summarized above and there was no knee ROM, motor, or sensory evaluation noted. Radiographs indicated good healing with hardware in place. The DD Form 2808 MEB Physical, indicated “left hip weakness.” The detailed orthopedic physical therapy summary indicated post-therapy knee and hip pain with “weakness in her gluteals, particularly her deep intrinsic hip muscles that externally rotate the hip”.

At the VA Compensation and Pension (C&P) exam performed 2 months after separation, history indicated transcutaneous pinning of the hip and a second surgery for open repair of a bone lesion. The CI reported hip pain, weakness, and flares with use of occasional narcotic pain medication. ROMs are summarized above with the examiner indicating particularly limited on “internal rotation and adduction with additional loss during flares, without specifying an additional loss of ROM.”

The Board directs attention to its rating recommendation based on the above evidence. The PEB coded analogously to 5003 (Arthritis) at 10% using the pain policy. The VA coded using 5255 (Femur, impairment) at 20% (with moderate knee or hip disability). The Board considered the VA exam had much more detail and had the highest probative value for rating. After due

deliberation, considering all of the evidence and mindful of VASRD §4.3 (reasonable doubt) and §4.40 (functional loss), the Board recommends a disability rating of 20% for the left hip condition as “moderate” coded 5255.

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 the left hip/femur condition was operant in this case and the condition was adjudicated independently of that policy by the Board. In the matter of the left hip condition, the Board unanimously recommends a disability rating of 20%, coded 5255 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 her prior medical separation:

UNFITTING CONDITION	VASRD CODE	RATING
Chronic Pain, Left Hip, Status Post Open Reduction and Internal Fixation of Femoral Neck Stress Fracture	5255	20%
	COMBINED	20%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120601, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans’ Affairs Treatment Record

XXXXXXXXXXXXXX
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, AR20120020609 (PD201200487)

1. 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 to modify the individual's disability rating to 20% 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.

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BY ORDER OF THE SECRETARY OF THE ARMY:

Encl

XXXXXXXXXXXXXXXXXXXX
Deputy Assistant Secretary
(Army Review Boards)

CF:

() DoD PDBR

() DVA