

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXX  
CASE NUMBER: PD1200584  
BOARD DATE: 20121109

BRANCH OF SERVICE: ARMY  
SEPARATION DATE: 20020604

**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects that this covered individual (CI) was a SPC/E-4 (88H/Stevedore) medically separated for a left arm condition. In August 1996, he injured his left distal forearm near the wrist. He was treated, but was not able to fully perform his military duties or meet physical fitness standards. The CI was issued a permanent profile and underwent a Naval Medical Evaluation Board (MEB). The MEB found his left arm condition medically unacceptable, and forwarded the case to the Army Physical Evaluation Board (PEB) in Washington, DC. No other conditions were listed on the NAVMED Form 6100/1. The Army PEB found the left arm condition unfitting, and rated it 20%. The CI did not accept the PEB findings, and submitted a written appeal which was reviewed by the U.S. Army Physical Disability Agency (USAPDA). Following USAPDA review, the PEB findings were upheld, and the CI was medically separated with a 20% disability rating.

**CI's CONTENTION:** The CI states: "Left wrist injury or Post Traumatic Stress Disorder and Major Depressive Disorder."

**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 left arm condition meets the criteria prescribed in DoDI 6040.44 for Board purview, and is accordingly addressed below. The two mental conditions (posttraumatic stress disorder [PTSD] and major depressive disorder [MDD]) noted in block 3 of the CI's application to the PDBR (DD Form 294) are not 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 Correction of Military Records.

**RATING COMPARISON:**

Army PEB – dated 20020306			VA (2 mos. Post-Separation) – All Effective 20020605			
Condition	Code	Rating	Condition	Code	Rating	Exam
Injury to Left Wrist	5213	20%	Left Wrist Injury, residuals	8516	20%*	20020805
↓ No Additional MEB/PEB Entries ↓			Depression /Anxiety	9433-9400	10%	20020827
			Not Service Connected (NSC) x 9			20020805
<b>Combined: 20%</b>			<b>Combined: 30%*</b>			

\*VA rating for the Left Wrist condition was later increased to 30%, by a VA Rating Decision (VARD) dated 20041021

**ANALYSIS SUMMARY:**

Left upper extremity (forearm/wrist) condition. The CI injured his left distal forearm (near the wrist) in August 1996 while playing basketball. A few years later he underwent surgery, which consisted of left radial osteotomy and distal ulnar excision. Despite the surgery and other forms of treatment, he continued to have significant problems and an MEB was initiated. His MEB clinical exam performed on 25 October 2001, 7 months prior to separation from the Army. The examiner noted decreased grip strength and decreased range-of-motion (ROM) in the left upper extremity. On 5 August 2002, the CI had a VA Compensation and Pension (C&P) exam. Once again, he was noted to have loss of muscle strength and decreased ROM. At both of these examinations, his ROM was measured and is summarized below.

Left Wrist ROM	MEB – 7½ mos. Pre-Sep (20011025)	VA C&P – 2 mos. Post-Sep (20020805)
Dorsiflexion (70° is normal)	45°	55°
Palmar Flex. (80° is normal)	50°	34°
Ulnar Dev. (45° is normal)	22°	28°
Radial Dev. (20° is normal)	18°	23°
Comment	Pain with motion	No mention of pain
§4.71a Rating	10%*	0%

\*10% based on VASRD §4.40 (Functional loss), §4.45 (The joints), and §4.59 (Painful motion)

Left Forearm ROM	MEB – 7½ mos. Pre-Sep (20011025)	VA C&P – 2 mos. Post-Sep (20020805)
Pronation (80° is normal)	30°	63°
Supination (85° is normal)	90 or 70°	62°
Comment	Pain with motion	No mention of pain
§4.71a Rating	20%	0%

The Board carefully reviewed all evidentiary information available. The Army PEB used a forearm code (5213) and rated the condition 20% for loss of pronation. The VA chose a much different coding option (neurological code 8516) and assigned a rating of 20%. It is true that the CI did have some numbness and weakness in the left upper extremity. However, the Board determined that his neurological symptoms did not constitute a separately unfitting, separately ratable condition. The Board unanimously agreed that IAW the Veterans' Administration Schedule for Rating Disabilities (VASRD), the forearm code 5213 is an appropriate code for the CI's left upper extremity condition. 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 forearm/wrist condition.

Other Contended Conditions. As noted above, the two contended mental conditions (PTSD and MDD) are not within the Board's scope of review, as defined in DoDI 6040.44.

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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 left upper extremity (forearm/wrist) 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.

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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>
Left Upper Extremity (Forearm/Wrist) Condition	5213	20%
	<b>COMBINED</b>	<b>20%</b>

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120605, 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, AR20120022047 (PD201200584)

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