

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXX  
CASE NUMBER: PD1200604  
BOARD DATE: 20121109

BRANCH OF SERVICE: ARMY  
SEPARATION DATE: 20030702

**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects that this covered individual (CI) was a PV2/E-2 (19K/Student) medically separated for bilateral knee pain due to iliotibial band friction syndrome (IBFS). The CI was treated, but did not improve adequately to fully perform his military duties or meet physical fitness standards. He was issued a permanent L-3 profile and underwent a Medical Evaluation Board (MEB). The MEB referred him to a Physical Evaluation Board (PEB) for his bilateral IBFS. No other conditions were listed on the DA Form 3947. The PEB found the knee pain unfitting, and rated it 0% IAW the U.S. Army Physical Disability Agency (USAPDA) Policy/Guidance Memorandum #13, dated 08 April 2002. The CI accepted the PEB findings, and was medically separated with a 0% disability rating.

**CI CONTENTION:** "I was told before discharge that I may want to look into surgery for both right and left knees which I am in constant pain every day. But can't afford not to work."

**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 knee condition (bilateral IBFS) meets the criteria prescribed in DoDI 6040.44 for Board purview, and is accordingly addressed below. No other conditions are 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 20030611			VA (No C&P Exam done, until years later) – All Effective 20030703			
Condition	Code	Rating	Condition	Code	Rating	Exam
Bilateral Knee Pain	5099-5003	0%	Left Knee Pain	5099-5014	10%	MEB*
			Right Knee Pain	5099-5014	10%	MEB*
↓No Additional MEB/PEB Entries↓						
<b>Combined: 0%</b>			<b>Combined: 20%</b>			

\*VA Rating Decision (VARD) dated 20030708 was based on evidence from the Service Treatment Record, MEB, and PEB

**ANALYSIS SUMMARY:**

**Bilateral knee pain, due to Iliotibial Band Friction Syndrome (IBFS).** The CI has had a long history of knee pain. At his MEB evaluation performed in May 2003, he said that he has always had knee pain, and the knees have always caused problems. He reported knee pain with running, squatting, kneeling, and doing stairs. On examination, he was in no acute distress and the knees were nontender to palpation. He had negative patellofemoral compression, negative

joint line tenderness, negative varus/valgus instability, and negative effusion. Active range-of-motion (ROM) for both knees was full. For an orthopedic diagnosis, the May 2003 MEB examiner stated: "Bilateral iliotibial band friction syndrome, unrelieved with conservative treatment." Knee ROM was apparently not measured goniometrically. Also in May 2003, the CI filed a VA disability claim, but no VA Compensation and Pension (C&P) exam was done at that time. His VA Rating Decision (VARD) dated 8 July 2003 was based on evidence from the service treatment record (STR), MEB, and PEB. The VA rated his knees at 10% each, for a combined disability rating of 20%.

The Board carefully reviewed all evidentiary information available, and directs attention to its rating recommendation based on the evidence above. The Army PEB combined the CI's knee pain into a single unfitting condition: Chronic bilateral knee pain due to IBFS. The knee pain condition was coded 5099-5003 and rated at 0%. In contrast, the VA unbundled the two knees, and rated each knee at 10%. The Board evaluated whether or not it was appropriate for the two knees to be "bundled" together. The Board must determine if the PEB's approach of combining the conditions under a single rating was justified in lieu of separate ratings. The Board must apply separate codes and ratings in its recommendations if compensable ratings for each condition are achieved IAW the Veterans' Administration Schedule for Rating Disabilities (VASRD) §4.71a. If the Board judges that two or more separate ratings are warranted, however, it must satisfy the requirement that each 'unbundled' condition was separately unfitting. After due deliberation, the Board agreed that the evidence supports a conclusion that the chronic painful condition in each knee, separately, would have rendered the CI unable to perform his required military duties. Accordingly, the Board recommends a separate disability rating for each knee.

There was no documented limitation of knee motion. Therefore, both knees are essentially non-compensable based on the VASRD §4.71a diagnostic codes for loss of knee motion (5260 and 5261). However; IAW VASRD §4.40, §4.45, and §4.59, a 10% rating is warranted when there is evidence of functional limitation due to painful motion of a major joint. Although it was not specifically documented by the examiner, the Board surmises that both knees were painful to motion. It is recorded that the CI had pain every time he runs. After due deliberation, considering all of the evidence and mindful of VASRD §4.3 (reasonable doubt), the Board recommends a rating of 10% for right knee pain, due to IBFS. In like manner, the Board recommends a disability rating of 10% for left knee pain, due to IBFS.

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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. As noted above, the Army PEB used the USAPDA pain policy for rating the bilateral knee pain condition. The knee pain condition was adjudicated independently of that policy by the Board. In the matter of the bilateral knee pain, the Board unanimously recommends that each joint be separately adjudicated as follows: an unfitting right knee condition coded 5099-5003 and rated 10%, and an unfitting left knee condition coded 5099-5003 and rated 10%. These knee pain ratings are IAW VASRD §4.40, §4.45, §4.59, and §4.71a. There were no other conditions within the Board's scope of review for consideration.

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**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>
Right Knee Pain, due to Iliotibial Band Friction Syndrome	5099-5003	10%
Left Knee Pain, due to Iliotibial Band Friction Syndrome	5099-5003	10%
	<b>COMBINED (with BLF)</b>	<b>20%</b>

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120705, 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 XXXXXXXXXXXXXXXXXXXXXXXX, AR20120021958 (PD201200604)

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.

BY ORDER OF THE SECRETARY OF THE ARMY:

Encl

XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
Deputy Assistant Secretary  
(Army Review Boards)

CF:  
( ) DoD PDBR  
( ) DVA