

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXXXXXX  
CASE NUMBER: PD1200616  
BOARD DATE: 20121030

BRANCH OF SERVICE: ARMY  
SEPARATION DATE: 20020831

**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty SPC/E-4 (31R/Radio Operator) medically separated for a right knee condition. She injured her knee in basic training in 2000, and was ultimately diagnosed with retropatellar pain syndrome (RPS). She suffered persistent pain which did not improve adequately with conservative management to meet the physical requirements of her Military Occupational Specialty (MOS) or satisfy physical fitness standards. She was consequently issued a permanent L3 profile and referred for a Medical Evaluation Board (MEB). The condition was forwarded to the Physical Evaluation Board (PEB) as medically unacceptable IAW AR 40-501. No other conditions were submitted by the MEB. The PEB adjudicated the right knee condition as unfitting, rated 10%, referencing the US Army Physical Disability Agency (USAPDA) pain policy. The CI made no appeals, and was medically separated with that disability rating.

**CI CONTENTION:** The application states simply: "The right knee has also caused low back issues." She does not elaborate further or specify a request for Board consideration of any additional conditions.

**SCOPE OF REVIEW:** The Board wishes to clarify that the scope of its review as defined in Department of Defense Instruction (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 rating for the unfitting right knee is addressed below. The low back condition specified in the application was not identified and adjudicated by the PEB; e.g., it does not satisfy scope requirements. That condition, and any other conditions or contention not requested in this application, remain eligible for future consideration by the Army Board for Correction of Military Records. 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 Veterans Administration Schedule for Rating Disabilities (VASRD) standards, based on ratable severity at the time of separation.

**RATING COMPARISON:**

Service IPEB – Dated 20020628			VA (6 Mos. Post-Separation) – Effective 20020901			
Condition	Code	Rating	Condition	Code	Rating	Exam
RPS, Right Knee	5099-5003	10%	RPS, Right Knee	5299-5260	10%	20030226
No Additional MEB/PEB Entries			0% X 4 / Not Service Connected x 7			20030226
<b>Combined: 10%</b>			<b>Combined: 10%</b>			

ANALYSIS SUMMARY:

Right Knee Condition. The CI suffered a strain type injury during basic training in October 2000 which she ascribed to oversized boots. She suffered persistent pain, which was initially managed conservatively as a strain. In October 2001, imaging demonstrated a medial meniscal injury without a tear. Surgery was not recommended, and the working diagnosis was RPS. Her symptoms did not respond adequately to physical therapy, local injections, or analgesics. The narrative summary (NARSUM) recorded, "She states her right knee locks and also pops and she cannot use her right leg for more than three to four hours secondary to the knee swelling." The physical exam noted medial joint line tenderness without effusion, and normal neurological findings. It noted "full range of motion", but "pain with flexion". Concurrent outpatient notes recorded normal gait, stability to stress testing, and no signs of meniscal impingement. At the VA Compensation and Pension (C&P) exam, performed 6 months after separation, the examiner recorded "constant pain, stiffness, fatigability, lack of endurance, give way, lockup, and weakness, as well as instability;" with use of a brace and pain flares rated 10/10. The VA physical exam noted "a right leg limp," crepitus, medial and lateral tenderness, and grimace to stress maneuvers. There was no effusion, laxity to stress testing, or signs of meniscal impingement. Range-of-motion (ROM) was "full with stated pain and wincing."

The Board directs attention to its rating recommendation based on the above evidence. The PEB's 10% rating analogous to 5003 (degenerative arthritis) was supported by the USAPDA pain policy, but was compliant with VASRD §4.71a criteria. The VA's 10% rating under 5260 (limitation of flexion) was conferred with citation of VASRD §4.59 (painful motion). The Board members considered rating under code 5258 (cartilage, semilunar, dislocated, with frequent episodes of "locking," pain, and effusion into the joint); but the absence of loose cartilage was confirmed by imaging, there was no mechanical locking by exam, and there is no evidence that the subjectively reported locking was frequent or ever associated with effusion. There were no other clinical features which would allow a rating higher than 10% under any alternate joint code, or ligamentary laxity which would permit additional rating for instability. 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 of the right knee 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. As discussed above, PEB reliance on the USAPDA pain policy for rating the knee condition was operant in this case and it was adjudicated independently of that policy by the Board. In the matter of the right knee 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>
Retropatellar Pain Syndrome, Right Knee	5099-5003	10%
	<b>COMBINED</b>	<b>10%</b>

The following documentary evidence was considered:

Exhibit A. DD Form 294, dated 200208031, 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 22202-3557

SUBJECT: Department of Defense Physical Disability Board of Review Recommendation for  
XXXXXXXXXXXXXXXXXXXX, AR20120020539 (PD201200616)

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