

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXX
CASE NUMBER: PD12-00635
BOARD DATE: 20121113

BRANCH OF SERVICE: ARMY
SEPARATION DATE: 20030314

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was a Reserve PVT/E-1 (92A, Automated Logistics Supply) medically separated for bilateral hip and groin pain conditions. She developed bilateral hip and groin pain in basic training, and was diagnosed with bilateral femoral neck stress fractures. The orthopedic consultant provided the separate diagnoses listed below. The conditions could not be adequately rehabilitated 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 hip and groin conditions, characterized as “bilateral hip trochanteric bursitis” and “residual groin pain due to healed femoral neck stress fractures,” were forwarded to the Physical Evaluation Board (PEB) as medically unacceptable IAW AR 40-501. No other conditions were submitted by the MEB. The PEB (administratively corrected) adjudicated each condition as unfitting; consolidating the bilateral hip condition under a single code rated 10% and the bilateral groin pain condition under a single code rated 0%, citing criteria of the Veterans Administration Schedule for Rating Disabilities (VASRD). The CI made no appeals, and was medically separated with a 10% combined disability rating.

CI CONTENTION: The application states simply: “The discharge was based on one LOD [line of duty determination] for hip injuries. Did not include another LOD for knees and ankles.”

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 ratings for the unfitting hip and groin conditions are addressed below. The requested knee and ankle conditions were not identified by the PEB, and thus are not within the DoDI 6040.44 defined purview of the Board. Those, and any other conditions or contention not requested in this application, remain eligible for future consideration by the Army Board for the Correction of Military Records.

RATING COMPARISON:

Service PEB (Admin Corrected) – Dated 20030214			VA – Effective 20090521			
Condition	Code	Rating	Condition	Code	Rating	Exam
Bilateral Hip Trochanteric Bursitis	5019	10%	Bursitis/ Stress Fracture, R Hip	5019-5255	10%	STR*
			Bursitis/ Stress Fracture, L Hip	5019-5255	10%	STR
Residual Groin Pain S/P Femoral Neck Stress Fracture	5099-5003	0%	Subsumed with above.			STR
Combined: 10%			Combined: 20%			

*STR = Service treatment record. No probative post-separation VA evaluations in evidence.

ANALYSIS SUMMARY:

Bilateral Hip Condition. The CI's first treatment note for her condition(s) was in April 2001 noting that she had awakened with radiating low back and pelvic pain after training for an obstacle course the previous day with "no overt injury." She was managed conservatively, but her pain persisted throughout training; and, X-rays eventually demonstrated findings of callous formation. A bone scan in June 2001 was consistent with bilateral femoral neck stress fractures as per the MEB diagnosis. The orthopedic addendum to the narrative summary (NARSUM) stated that the groin pain was "largely resolved;" but, that she had "developed significant bilateral greater trochanteric area pain consistent with trochanteric bursitis." The physical exam documented by the orthopedist is excerpted below.

Remarkable for normal gait. Bilateral hip range of motion - flexion 120 degrees, bilateral abduction 60 degrees, bilateral external rotation 80 degrees, internal rotation 30 degrees bilaterally. She has pain localized to the greater trochanter region greater than the groin. This pain is exacerbated by adduction and internal rotation maneuver of the hips and is bilateral.

The NARSUM did not characterize the nature and degree of pain, stating only that it prohibited running and jumping. The physical exam noted "mild" tenderness of the sacroiliac joint; and pain with pelvic rock, straight leg raise, abduction, and rotation. Strength and other neurologic findings were normal. Although no VA Compensation and Pension (C&P) examination was performed proximate to separation, the VA rating decision referenced a letter from the CI's private physician dated 14 February 2009. The comments in the rating decision describing that evidence were as follows, "He stated that you had full ranges of motion but had tenderness on internal rotation in both hips and over the greater trochanter in both hips (the right greater than the left). X-rays were negative for any degenerative disease or arthritis. He confirmed the diagnosis made in service."

The Board directs attention to its rating recommendation based on the above evidence. IAW VASRD §4.7 (higher of two evaluations), the Board must consider separate ratings for PEB bilateral joint adjudications; although, separate fitness assessments must justify each Service disability rating. In this case, both hips were considered to fail retention standards; both were implicated by the orthopedic addendum, NARSUM, and all clinical entries; and, both were profiled. Members concurred therefore that each hip should be conceded as separately unfitting; and, that coding and rating features were logically identical. The range-of-motion measurements cited in the orthopedic addendum were in the normal (or better) range; thus, no compensable rating is achieved solely on the basis of limited motion. The addendum, NARSUM, private medical exam and outpatient entries all provided satisfactory support for application of VASRD §4.59 (painful motion) to achieve the minimal compensable rating (10%) under any relevant joint code; or, if rating analogously to 5003 (degenerative arthritis). The VA cited painful motion for its compensable ratings under 5255 (femur, impairment of). There is no applicable joint code available in VASRD §4.71a which would yield a rating higher than 10%. After due deliberation, considering all of the evidence and mindful of VASRD §4.3 (reasonable doubt), the Board recommends separate right and left disability ratings of 10% each for the bilateral hip condition. The action officer recommended, and the Board concurred with, the code 5019 (bursitis) for its clinical compatibility.

Groin Pain Condition. Although diagnosed and adjudicated distinctly, this condition was in no way differentiated by functional impact or exam findings. The orthopedic addendum in fact stated that it was mostly resolved, and the underlying stress fractures were radiographically healed. The profile was for "bilateral hip pain" only. Although the residual pain from the fractures and the bursitis which developed afterwards could be separately diagnosed, it is

difficult to understand how they were teased out for separate fitness adjudications; and, it is unequivocally true that they cannot form the basis for separate ratings (as per the VA decision) without violation of VASRD §4.14 (avoidance of pyramiding). The Board (by firm precedence and prior legal opinion) does not exercise the latitude of making unfavorable recommendations countering a PEB fitness determination, but has no VASRD §4.71a grounding for recommending compensable rating of the collateral diagnosis in this case. 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 bilateral groin pain condition.

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 bilateral hip condition, the Board unanimously recommends that each joint be rated as separately unfitting at 10%, coded 5019, IAW VASRD §4.71a. In the matter of the bilateral groin pain 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.

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
Trochanteric Bursitis, Left Hip	5019	10%
Trochanteric Bursitis, Right Hip	5019	10%
Residual Groin Pain, Bilateral Femoral Neck Stress Fractures	5099-5003	0%
COMBINED (w/ BLF)		20%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120603, 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, AR20120021441 (PD201200635)

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

XXXXXXXXXXXXXXXXXXXX
Deputy Assistant Secretary
(Army Review Boards)

CF:
() DoD PDBR
() DVA