

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXX
CASE NUMBER: PD1200657
BOARD DATE: 20130125

BRANCH OF SERVICE: ARMY
SEPARATION DATE: 20020420

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty, SPC/E-4, (68G/Patient Admin Specialist), medically separated for chronic bilateral plantar fasciitis. The CI first presented for bilateral foot pain in November 2000. Despite extensive rehabilitative therapy to include physical therapy (PT), injections, duty limitations, night splints, custom orthotics and various nonsteroidal anti-inflammatory drugs, he did not have any significant resolution of his foot pain and was unable to meet the physical requirements of his Military Occupational Specialty or satisfy physical fitness standards. He was issued a permanent L3 profile and referred for a Medical Evaluation Board (MEB). The MEB forwarded no other condition for Physical Evaluation Board (PEB) consideration. The PEB adjudicated the bilateral plantar fasciitis as unfitting, rated 10% each, with application of the Veterans Affairs Schedule for Rating Disabilities (VASRD). The CI made no appeals, and was medically separated with a 20% combined disability rating.

CI CONTENTION: "For my feet I was given 10% each and my shoulder and hand was awarded 0% yet I still can't perform my job in full due to these injuries. My employer has made changes to my work but it still is very difficult to fulfill my duties." The CI elaborated no specific contention in his application.

SCOPE OF REVIEW: The Board wishes to clarify that the scope of its review as defined in 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 unfitting conditions will be reviewed in all cases. The bilateral plantar fasciitis, as requested for consideration meets the criteria prescribed in DoDI 6040.44 for Board purview and, are addressed below. The other requested conditions, shoulder and hand, are not within the Board's purview. 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.

RATING COMPARISON:

Service IPEB – Dated 20020123			VA (1 Mos. Pre-Separation) – All Effective Date 20020421			
Condition	Code	Rating	Condition	Code	Rating	Exam
Chronic bilateral plantar fasciitis	5399-5310	10%	Plantar Fasciitis R foot	5299-5284	10%*	20020321
	5399-5310	10%	Plantar Fasciitis L foot	5299-5284	10%*	20020321
↓No Additional MEB/PEB Entries↓			0% X 4 / Not Service-Connected x 2			20020321
Combined: 20%			Combined: 20%			

*Plantar Fasciitis was increased to 20% for each foot effective 20071127

ANALYSIS SUMMARY: The Disability Evaluation System (DES) is responsible for maintaining a fit and vital fighting force. While the DES considers all of the member's medical conditions, compensation can only be offered for those medical conditions that cut short a member's

career, and then only to the degree of severity present at the time of final disposition. The DES has neither the role nor the authority to compensate members for anticipated future severity or potential complications of conditions resulting in medical separation nor for conditions determined to be service-connected by the Department of Veterans Affairs (DVA) but not determined to be unfitting by the PEB. However, the DVA, operating under a different set of laws (Title 38, United States Code), is empowered to compensate all service-connected conditions and to periodically re-evaluate said conditions for the purpose of adjusting the Veteran's disability rating should the degree of impairment vary over time. The Board's role is confined to the review of medical records and all evidence at hand to assess the fairness of PEB rating determinations, compared to VASRD standards, based on severity at the time of separation.

Chronic bilateral plantar fasciitis. The CI was seen on 2 November 2000 with a month long history of bilateral heel pain and diagnosed with plantar fasciitis. Over the next year, the CI was treated with medications, PT, orthotics, night splints, injections, shoe of comfort and duty limitations without adequate improvement in his symptoms to return to full duty. Surgical intervention was offered and declined. He was given a L3 profile and referred to a MEB. The MEB examination and narrative summary (NARSUM) were both accomplished on 7 November 2001, a little over 5 months prior to separation. The CI reported continued heel pain despite the ongoing therapy. The examiner noted point tenderness about the heels. The gait and range-of-motion (ROM) were normal. X-rays from December 2000 were normal although a podiatry note dated 11 October 2001 did note calcaneal spurs bilaterally. At the VA Compensation and Pension (C&P) examination on 21 March 2002, 2 months prior to separation, the CI reported bilateral heel pain. The arches were preserved bilaterally and ROM of the ankle normal. No comment was made on gait or the use of orthotics.

The Board directs attention to its rating recommendation based on the above evidence. The VA and PEB each rated the plantar fasciitis at 10% for each foot. The VA coded the condition as 5299-5284, analogous to foot injuries, whereas the PEB used a 5399-5310 code, analogous to Group X muscle dysfunction. The Board noted that there is no specific coding option for plantar fasciitis and that no other coding option for the foot offers an advantage to the CI. With a normal gait and minimal findings of tenderness on examination, no more than a moderate disability can be assigned to the plantar fasciitis condition. After due deliberation, considering all of the evidence and mindful of VASRD §4.3 (Resolution of reasonable doubt), the Board concluded that there was insufficient cause to recommend a change in the PEB adjudication for the bilateral plantar fasciitis 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 plantar fasciitis condition and IAW VASRD §4.71a and 4.73, 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, therefore, recommends that there be no recharacterization of the CI's disability and separation determination, as follows:

UNFITTING CONDITION	VASRD CODE	RATING
Bilateral Plantar Fasciitis, Recalcitrant to Therapy	5399-5310	10 + 10%
	COMBINED (w/ BLF)	20%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120607, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans' Affairs Treatment Record

XXXXXXXXXXXXXXXXXXXX, DAF
Director
Physical Disability Board of Review

SFMR-RB

MEMORANDUM FOR Commander, US Army Physical Disability Agency
(TAPD-ZB / XXXXXXXX), 2900 Crystal Drive, Suite 300, Arlington, VA 22202-3557

SUBJECT: Department of Defense Physical Disability Board of Review Recommendation
for XXXXXXXXXXXX, AR20130002241 (PD201200657)

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

XXXXXXXXXXXXXXXXXXXXX
Deputy Assistant Secretary
(Army Review Boards)