

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXX  
CASE NUMBER: PD1200851  
BOARD DATE: 20130115

BRANCH OF SERVICE: NAVY  
SEPARATION DATE: 20020521

**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects that this covered individual (CI) was a reserve Navy AWAN/E-3 (P3C/Acoustic Sensor Operator) medically separated for diabetes mellitus. The CI was initially diagnosed with Type 1 diabetes in April 2001 as the result of a routine outpatient laboratory test. Despite injected medication (Insulin) and lifestyle counseling he could not be adequately rehabilitated to meet the requirements of his rating or satisfy physical fitness standards. He was consequently placed on limited duty and referred for a Medical Evaluation Board (MEB). The MEB diagnosed four conditions; diabetes mellitus Type I (primary), dyslipidemia (second), alcoholism (third), and alcohol dependence (fourth). The Physical Evaluation Board (PEB) adjudicated diabetes Type I as unfitting and rated 40%, but reduced the rating to 20% for non-compliance. The alcohol dependence and dyslipidemia conditions diagnoses referred by the MEB were determined to be Category 4, not constituting physical disabilities. The CI made no appeals and was medically separated with a 20% disability rating.

**CI CONTENTION:** The application states “I was diagnosed as a Type I diabetic. I was considered a hazard to myself and to my crew. Me being so young at the time and very ignorant I did not know how serious this life long disease was. Over the past 11 years I have learned the hard way about how serious my condition is. I feel that 20% is just a drop in the bucket. My life has been completely turned around and upside down. I am limited to the type of work I qualify for. My disease is thought to be brought on by the abnormal eating habits and sleeping habits I endured while in the service. Unfortunately the job I performed I had no choice. Eat and sleep when you can because there was no telling when I would get another chance.” (*sic*) He 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 conditions “identified but not determined to be unfitting by the PEB.” The rating for the unfitting diabetes is addressed below. 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 Board for Correction of Naval Records.

**RATING COMPARISON:**

Service PEB – Dated 20020426			VA (~2 Mo. Post-Separation) – Effective 20020522			
Condition	Code	Rating	Condition	Code	Rating	Exam
Diabetes, Type I	7913	20%	Diabetes mellitus	7913	20%	STR
Alcohol dependence	Category IV		Not addressed			
Dyslipidemia	Category IV		Not addressed			
↓No Additional MEB/PEB Entries↓						
<b>Combined: 20%</b>			<b>Combined: 20%</b>			

ANALYSIS SUMMARY: The Board acknowledges the CI's information regarding the significant impairment with which his service-connected condition continues to burden him; but, must emphasize that the Disability Evaluation System (DES) has neither the role nor the authority to compensate members for anticipated future severity or potential complications of conditions resulting in medical separation. That role and authority is granted by Congress to the Department of Veterans Affairs (DVA), operating under a different set of laws. The Board considers DVA evidence proximate to separation in arriving at its recommendations; and, DoDI 6040.44 defines a 12-month interval for special consideration to post-separation evidence. Post-separation evidence is probative to the Board's recommendations only to the extent that it reasonably reflects the disability at the time of separation.

Diabetes, Type I. The narrative summary (NARSUM) in November 2001, 6 months prior to separation, noted that the CI began Insulin therapy in September 2001 and was administering multiple daily injections of insulin at the time of the MEB. Glycosolated hemoglobin (A1c) was 11.4 (target <~7). He had been given diabetic dietary education. He had demonstrated "excellent adherence to his new diabetic regimen with evidence of frequent blood glucose monitoring, and...to diet and exercise," and his daily blood sugar range had improved since starting insulin. There was no documentation of physician-prescribed regulation of activities. There was no history of hypoglycemia, ketoacidosis, diabetic complications or hospitalization for diabetes mellitus. The VA Compensation and Pension (C&P) rating decision in July 2002, 2 months after separation, was based on the service treatment record. There was no record of a separate C&P exam. Records indicate a hospital admission for acute pancreatitis, diabetic ketoacidosis and alcohol abuse in July 2003, 14 months after separation. There was non-compliance with his diabetic treatment noted at that time.

The Board directs attention to its rating recommendation based on the above evidence. Although the PEB rating was 40% with a 20% deduction for non-compliance (20% combined), there was no PEB worksheet in evidence to elucidate how the PEB arrived at either their 40% rating or rationale for a 20% deduction. The Board considered the CI's adherence to his insulin therapy and his restricted diet to control his diabetes condition to be consistent with a rating of 20% for rating code 7913. The Board found no evidence of physician-prescribed regulation of activities to support a 40% rating for code 7913. The CI had no history of hypoglycemia or ketoacidosis, or related hospitalizations proximate to separation. 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 final 20% adjudication for the diabetes condition; however, the Board recommends straight coding of 20% without any deductions.

---

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 diabetes, Type I, condition and IAW VASRD §4.119, the Board unanimously recommends no change in the PEB's final 20% rating, but modification to a straight 20% disability coded 7913. 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 his prior medical separation:

<b>UNFITTING CONDITION</b>	<b>VASRD CODE</b>	<b>RATING</b>
Diabetes, Type I	7913	20%
	<b>COMBINED</b>	<b>20%</b>

---

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120612, w/atchs.
- Exhibit B. Service Treatment Record.
- Exhibit C. Department of Veterans Affairs Treatment Record.

XXXXXXXXXXXXXXXXXXXX  
President  
Physical Disability Board of Review

MEMORANDUM FOR DIRECTOR, SECRETARY OF THE NAVY COUNCIL  
OF REVIEW BOARDS

Subj: PHYSICAL DISABILITY BOARD OF REVIEW (PDBR) RECOMMENDATIONS

Ref: (a) DoDI 6040.44  
(b) CORB ltr dtd 31 Jan 13

In accordance with reference (a), I have reviewed the cases forwarded by reference (b), and, for the reasons provided in their forwarding memorandum, approve the recommendations of the PDBR that the following individual's records not be corrected to reflect a change in either characterization of separation or in the disability rating previously assigned by the Department of the Navy's Physical Evaluation Board:

- former USMC
- former USMC
- former USMC
- former USN
- former USN
- former USN
- former USN

XXXXXXXXXXXXXXXXX  
Assistant General Counsel  
(Manpower & Reserve Affairs)