

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXX
CASE NUMBER: PD1200853
BOARD DATE: 20130115

BRANCH OF SERVICE: ARMY
SEPARATION DATE: 20030715

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty Soldier, SSG/E-6 (77F/Petroleum Supply Specialist), medically separated for right knee chondromalacia. She had a history of right anterior knee pain since 1994. In 2002, she was diagnosed with chondromalacia by magnetic resonance imaging (MRI) and underwent arthroscopic surgery. The CI did not improve adequately with treatment to meet the physical requirements of her Military Occupational Specialty or to satisfy physical fitness standards. She was issued a permanent L3 profile and referred for a Medical Evaluation Board (MEB). The MEB forwarded right knee chondromalacia as medically unacceptable IAW AR 40-501. The MEB forwarded no other conditions for Physical Evaluation Board (PEB) adjudication. The PEB adjudicated the right knee chondromalacia as unfitting, rated 0%, with likely application of the US Army Physical Disability Agency (USAPDA) pain policy. The CI made no appeals and was medically separated with a 0% disability rating.

CI CONTENTION: The CI states: "I am serious problems [sic] with my knees and walking becoming difficult [sic] due to my knees locking-up at least twice a week. My problem is becoming so serious I have to walk on my tip toes to relieve the severe pain in my knees."

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 unfitting right knee condition as requested for consideration meets the criteria prescribed in DoDI 6040.44 for Board purview; and, is addressed below. The implied contention for the left knee condition, and 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 PEB – Dated 20030325				VA (7 Mos. Post-Separation) – All Effective Date 20030716			
Condition		Code	Rating	Condition	Code	Rating	Exam
Right Chondromalacia	Knee	5009-5003	0%	Post Op Residual, DJD, R Knee	5261-5010	10%	20040223
↓No Additional MEB/PEB Entries↓				Hysterectomy	7617	50%	20040223
				DJD, Bilateral Hands	5010	10%	20040223
				DJD, L Knee	5261-5010	10%	20040223
				Mechanical LBP w/Retrolisthesis	5237	10%	20040223
				R Varicose Veins	7120	10%	20040223
				L Varicose Veins	7120	10%	20040223
				0% X 4 / Not Service-Connected x 4			20040223
Combined: 0%				Combined: 80%*			

*Includes bilateral factor of 4.26%

ANALYSIS SUMMARY:

Right Knee Chondromalacia. The goniometric range-of-motion (ROM) evaluations in evidence which the Board weighed in arriving at its rating recommendation, with documentation of additional ratable criteria, are summarized in the chart below.

Right Knee ROM (Degrees)	MEB ~6 Mo. Pre-Sep	VA C&P ~7 Mo. Post-Sep
Flexion (140 Normal)	120	125
Extension (0 Normal)	0	0
Comment: Surgery 10 Mo. Pre-Sep	Painful motion; effusion; tenderness; crepitus; +grind; stable	Painful motion; considerable guarding
§4.71a Rating	10% (PEB 0%)	10%

The CI underwent arthroscopic surgery in May 2002, 10 months before separation for chondromalacia, followed by persistent post-operative anterior knee pain despite physical therapy, profiles, and pain medication. The narrative summary performed in January 2003, 6 months before separation, noted tenderness to palpation, with positive crepitus and grind. The knee was otherwise stable with a negative Lachman's test and varus and valgus stress tests. The painful ROM is summarized in the chart above. An MRI was consistent with Type I chondromalacia of both the patellofemoral joint and medial femoral condyle. At the VA Compensation and Pension exam in February 2004, 7 months after separation, the CI reported chronic right knee pain and difficulty with prolonged walking. No supportive devices were required. Although unemployed since her military separation, she said that she had no problems getting a job but wanted to take care of her health before starting work. On physical exam, her knee appeared slightly inflamed, with pain on movement and no tenderness to palpation. Knee X-rays in February 2004 showed mild degenerative osteoarthritis. The exam diagnosed early right knee degenerative joint disease with minimal to mild functional loss of ROM due to pain.

The Board directs attention to its rating recommendation based on the above evidence. There was no limitation of motion or instability to warrant a minimum rating under the respective VASRD diagnostic codes (5260, 5261 or 5257). All exams documented pain-limited motion IAW VASRD §4.59 (Painful motion) and other findings for functional loss IAW §4.40 which support a rating of 10%. After due deliberation, considering all of the evidence and mindful of VASRD §4.3 (Resolution of reasonable doubt) and §4.59 (Painful motion), the Board recommends a disability rating of 10% for the right knee chondromalacia 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. As discussed above, PEB reliance on the USAPDA pain policy for rating the right knee chondromalacia was likely operant in this case and the condition was adjudicated independently of that by the Board. In the matter of the right knee chondromalacia condition, the Board unanimously recommends a disability rating of 10%, coded 5009-5003 IAW VASRD §4.71a. 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
Right knee chondromalacia	5009-5003	10%
	COMBINED	10%

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

XXXXXXXXXXXXX, DAF
President
Physical Disability Board of Review

SFMR-RB

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

SUBJECT: Department of Defense Physical Disability Board of Review Recommendation
for XXXXXXXXXXXXXXXX, AR20130001362 (PD201200853)

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 10% 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

XXXXXXXXXXXX
Deputy Assistant Secretary
(Army Review Boards)

CF:
 DoD PDBR
 DVA