

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXXXXXX
CASE NUMBER: PD1200948
BOARD DATE: 20121107

BRANCH OF SERVICE: ARMY
SEPARATION DATE: 20020715

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty SSG/E-6 (11M30/Mechanized Infantry), medically separated for history of heat stroke, with recurrent heat intolerance/exhaustion. The CI initially had a diagnosis of a heat stroke in 1999. He could not be adequately rehabilitated with treatment to meet the physical requirements of his Military Occupational Specialty (MOS) or satisfy physical fitness standards. He was consequently issued a permanent P3 profile and referred for a Medical Evaluation Board (MEB). Heat stroke with multiple episodes of heat exhaustion 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 history of heat stroke condition as unfitting, rated 10% with application of the Veteran's Affairs Schedule for Rating Disabilities (VASRD). The CI made no appeals, and was medically separated with a 10% disability rating.

CI CONTENTION: "Not all conditions was [*sic*] rated fairly."

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 heat stroke, with recurrent heat intolerance/exhaustion condition is addressed below; and, no additional conditions are within the DoDI 6040.44 defined purview of the Board. 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 the Correction of Military Records.

RATING COMPARISON:

Service PEB – Dated 20020528			VA (3 Mos. Post-Separation) – All Effective Date 20020716			
Condition	Code	Rating	Condition	Code	Rating	Exam
History of Heat Stroke, with Recurrent Heat Intolerance/Exhaustion	7999-7900	10%	Residuals, Heat Stroke with Recurrent Heat Intolerance/Exhaustion	8999-8911	0%	20021024
↓ No Additional MEB/PEB Entries ↓			Asthma	6602	10%	20021024
			Hypertension	7101	10%	20021024
			Steatohepatitis	7345	0%	20021024
			Chronic Obstructive Pulmonary-Disease	6604	0%	20021024
			Diabetes Mellitus Type II	7913	10%	20021024
			0% X 1 / Not Service-Connected x 1			
Combined: 10%			Combined: 30%			

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

Heat Stroke, with Recurrent Heat Intolerance/Exhaustion Condition. The CI had an episode of heat stroke manifested by syncope with mental status changes during the Basic Non-commissioned Officers Course (BNNOC) in 1999. He developed no medical complications from this heat injury, but was placed on the P3 profile when symptoms persisted and was referred to the MEB 30 July 1999. The MEB initially determined the heat condition to be medically unacceptable, but was terminated and the CI given a trial of duty with a new assignment. The CI reported "heat intolerance light headedness, nausea and headaches" in this environment when temperatures exceeded 90 degrees and the MEB was reinitiated. At the MEB narrative summary (NARSUM) examination, performed on 7 May 2002, 6 months prior to separation, the examiner reported no emergency room or emergent clinic visits for treatment of heat symptoms since initial occurrence in 1999. The CI reported treatment at an aid station in the summer for dizziness while mowing his yard, but this is not confirmed in the record in evidence. Physical examination was normal except for body mass index (BMI) of 36.6 consistent with class II obesity. At the VA Compensation and Pension (C&P) examination, performed on 24 October 2002, 3 months after separation, the CI reported dizziness and nausea when exposed to temperatures greater than 90 degrees and was able to mow his grass only early in the morning and walk outside during the summer for only short periods. Physical examination was normal except for a BMI of 37.7. The Board directs attention to its rating recommendation based on the above evidence. The PEB rated the condition 10%, code 7900, analogous to hyperthyroidism. The VA rated the condition 0%, code 8911, analogous to epilepsy. On review the Board unanimously agreed that the heat exhaustion/intolerance condition was mild without functional residual or significant impact on occupational and social activity. The Board was unable to find any pathway to a higher rating. 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 for the heat 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 heat condition and IAW VASRD §4.12a, 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
History of Heat Stroke; Recurrent Heat Intolerance/Exhaustion	7999-7900	10%
	COMBINED	10%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120602, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans' Affairs Treatment Record

XXXXXXXXXXXXXXXXXXXXX
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
XXXXXXXXXXXXXXXXXX, AR20120021221 ()

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

XXXXXXXXXXXXXXXXXX
Deputy Assistant Secretary
(Army Review Boards)

CF:
() DoD PDBR
() DVA