

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXX
CASE NUMBER: PD1200966
BOARD DATE: 20120220

BRANCH OF SERVICE: MARINE CORPS
SEPARATION DATE: 20021015

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty, PVT/E1, (9900/Recruit), medically separated for a stress fracture of the right upper sacrum. Within days of beginning recruit training, the CI sought treatment for various musculo-skeletal complaints. Despite conservative management, she continued to have pain in multiple areas. Because of the nature of the injuries and the projected prolonged healing time, it was recommended she be removed from basic training and be referred for a Medical Evaluation Board (MEB). The MEB determined that pathologic fractures of the tibia, fibula and other specified site and disorder of bone and cartilage, unspecified, did not meet retention standards and forwarded these to the Physical Evaluation Board (PEB) for adjudication. The PEB adjudicated the right upper sacrum stress fracture as unfitting, but used two codes, 5284 and 5294, each rated 10%, with application of the Veteran's Affairs Schedule for Rating Disabilities (VASRD). The stress fracture of the left calcaneus, moderate osteopenia of the lumbar spine and stress fracture of the left distal tibia were determined to be Category II conditions which contribute to the unfitting condition (but, implied, are not separately unfitting). The CI made no appeals and was medically separated with a 20% disability rating.

CI CONTENTION: "I would like to have previous Med Board findings reviewed after being denied VA benefits." The CI elaborated no specific contention in her 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 Board determined that the contention by the CI encompassed all the PEB conditions and that that all are, therefore, within the 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 Correction of Naval Records.

RATING COMPARISON:

Service IPEB – Dated 20020821			VA (Failed to report for Exam)			
Condition	Code	Rating	Condition	Code	Rating	Exam
Right Upper Sacral Stress Fx	5284	10%	R Upper Sacral Stress Fx	5235	NSC	NA
	5294	10%				
Stress Fx L Calcaneus	CAT II		Stress Fx L Calcaneus	5284	NSC	NA
Mod Osteopenia L Spine	CAT II		Osteopenia L Spine	5013-5237	NSC	NA
Stress Fx L Distal Tibia	CAT II		Stress Fx L Distal Tibia	5262	NSC	NA
↓ No Additional MEB/PEB Entries ↓			0% X 0 / Not Service-Connected x 4			NA
Combined: 20%			Combined: NA			

All conditions were NSC due to the failure by the CI to appear for a VA examination.

ANALYSIS SUMMARY: The CI was initially evaluated for her left ankle on 08 February 2002, her 12th day of active duty. She stated that she had twisted her ankle and a sprain was diagnosed. She initially responded well to conservative management, but her symptoms recurred and she was diagnosed with left Achilles tendonitis. Over the next few months, she was seen on multiple occasions for various musculo-skeletal complaints. X-rays of the left ankle and right hip on this date were normal on 19 April 2002, but the left calcaneus and distal tibia showed stress fractures on X-ray. The calcaneal stress fracture was noted to be healing on a repeat X-ray on 20 May 2002. A bone scan 3 days later showed increased uptake in the right sacrum and a magnetic resonance imaging (MRI) exam the following day confirmed a right sacral stress fracture. A bone density scan, also on 24 May 2002, revealed moderate osteopenia. She was treated with duty restrictions and medications to increase bone mass. Although it was noted that her stress fractures were healing, it was determined that the recovery would be prolonged and that she should be removed from basic training. The narrative summary (NARSUM) was dictated 5 June 2002, 4 months prior to separation. It noted that the pain in the left distal tibia and left calcaneus was resolving, but persistent in the right sacrum. The physical examination was remarkable for tenderness over the right sacrum, left distal tibia and calcaneus with some edema of the left lower leg. Range-of-motion (ROM) of the back was normal. The osteopenia was noted to have existed prior to enlistment, but the stress fractures of the left tibia and calcaneus as well as that of the right sacrum did not exist prior to service (EPTS). She was still using crutches at an orthopedic examination a week later; the examiner noted that the stress fractures were healing. The CI failed to report for her Veterans Affairs Compensation and Pension (C&P) exam scheduled for 13 July 2004.

The Board directs attention to its rating recommendation based on the above evidence. The PEB gave a 10% rating right upper sacrum, coded 5284 (foot injuries), and 10% code 5294 sacro-iliac injury and weakness. The Joint Disability Evaluation Tracking System (JDETS) worksheet awarded 10% coded 5284 for the stress fractures of the left distal tibia and left calcaneus conditions and 10% for the right sacral stress fracture and osteopenia conditions coded 5294. The VA adjudicated all conditions as not service-connected and denied all claims due no evidence of post treatment and the failure of the CI to report for the VA examination. Although the CI had an antalgic gait and was using crutches, the orthopedist had concluded that the stress fractures were healing. The Board noted that the typical natural history of stress fractures is complete healing once removed from the source of the stress and that the most likely explanation for their onset was the increase in activity during basic training. There is no evidence in the record that a permanent condition was present at separation. Osteopenia is not an acute condition. Although it was diagnosed shortly after accession, this was almost certainly present prior to accession and unmasked with the vigor of basic training, as manifested by the multiple stress fractures. IAW DoDI 1332.38 E3.P4.5.4., the Board determined that the most likely clinical picture is that the osteopenia EPTS without aggravation and that the manifestations (stress fractures) were self-limited. The expectation is that all the conditions will resolve over time with treatment, begun while on active duty, and removal from the stressful activities. Accordingly, no disability rating is warranted. However, the Board does not recommend a rating lower than what was adjudicated by the PEB. The Board also noted that the PEB had cited diagnostic code 5284 (foot injuries) under the back condition. The Board concluded that this most likely was an administrative error in the printing of the PEB document; however since the overall rating is not influenced by the specific diagnosis code used, the Board recommended no change to the diagnosis code. Thus, 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 any of the conditions.

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 stress fracture of the right upper sacrum condition and IAW VASRD §4.71a, the Board unanimously recommends no change in the PEB adjudication. In the matter of the left tibial and calcaneus stress fracture as well as the osteopenia contended conditions, the Board unanimously recommends no change from the PEB determinations as not separately unfitting. 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
Stress Fracture of Right Upper Sacrum	5284 - 5294	10 + 10%
	COMBINED	20%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120625, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans' Affairs Treatment Record

xx
Acting Director
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 04 Apr 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:

- xformer USMC
- xformer USN
- xformer USMC
- xformer USMC
- xformer USN
- xformer USMC
- xformer USMC
- xformer USN
- xformer USMC
- xformer USN
- xformer USMC

x
Assistant General Counsel
(Manpower & Reserve Affairs)