

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XX
CASE NUMBER: PD1201033
BOARD DATE: 20130129

BRANCH OF SERVICE: NAVY
SEPARATION DATE: 20011207

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty Petty Officer 3rd Class/E-4 (AD3/Aviation Machinist Mate), medically separated for chronic posterior cruciate ligament deficient, left knee. Despite treatment, the instability continued and the CI was unable to participate in physical readiness training or other strenuous activity. He was placed on limited duty (LIMDU) in August 1999. He was continued in LIMDU status by the August 1999 board and was later referred for a Medical Evaluation Board (MEB) in March 2000, October 2000 and March 2001. Each of these boards continued his LIMDU status for an additional 8 months. The August 2001 MEB referred his case to the Physical Evaluation Board (PEB) with no other conditions for adjudication. The PEB adjudicated the left knee condition as unfitting, rated 20%, with application of the Veteran's Affairs Schedule for Rating Disabilities (VASRD). The CI made no appeals, and was medically separated with a 20% disability rating.

CI CONTENTION: 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 (left knee) will be reviewed in all cases. 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 service Board for Correction of Military Records.

RATING COMPARISON:

Service IPEB – Dated 20010918			VA (2 ½ wks. Pre-Separation) – All Effective Date 20011208			
Condition	Code	Rating	Condition	Code	Rating	Exam
Chronic posterior cruciate ligament deficient, left knee	5257	20%	Left, knee arthroscopy; s/p PCL shrinkage	5299-5024	0%	20011120
↓ No Additional MEB/PEB Entries ↓			0% X 0 / Not Service-Connected x 0			20011120
Combined: 20%			Combined: 0%			

*The VA increased his knee rating to 10% effective 16 May 2007.

ANALYSIS SUMMARY:

Chronic posterior cruciate ligament deficient, left knee Condition. The CI sustained a left knee injury in 1999 when a ladder collapsed on him. The CI was immediately evaluated and diagnosed with a posterior cruciate ligament tear. He was given a sports brace and enrolled in physical therapy (PT), however the CI continued to complain of knee instability and "catching" sensation of the knee. Arthroscopic surgery was performed on the left knee in June 2000 with an attempt to thermally shrink the posterior ligament. Postoperative rehabilitation and

physical therapy was recommended, however the CI continued to complain of pain and knee instability especially when running. A magnetic resonance imaging (MRI) exam performed on 8 April 2001 evidenced both anterior and posterior cruciate ligament strains. A sports medicine examination 10 April 2001 noted complaint of knee buckling without a brace. There was normal range-of-motion (ROM) with a stable anterior cruciate ligament but with an unstable posterior cruciate ligament. There were three goniometric ROM evaluations in evidence proximate to separation, with documentation of additional ratable criteria, which the Board weighed in arriving at its rating recommendation; as summarized in the chart below.

Left Knee ROM (Degrees)	Sports Clinic ~8 Mo. Pre-Sep (20010410)	MEB/NARSUM ~4 Mo. Pre-Sep (20010810)	VA C&P ~3 Wks Post-Sep (20011120)
Flexion (140 Normal)	130	130	140
Extension (0 Normal)	0	0	0
Comment:	Instability of PCL	Instability of PCL	No instability Normal Gait
§4.71a Rating	10%	10%	0%

The MEB narrative summary (NARSUM) examination, 10 August 2001, noted full ROM for the left knee, no tenderness, swelling, or effusion. The knee was stable to varus and valgus stress at 0 and 30 degrees. The CI had a posterior drawer test positive, positive quadriceps active test and positive Sag sign characteristic for a posterior cruciate ligament injury. The examiner considered the CI condition as a chronic posterior cruciate ligament deficiency of the left knee. At the VA Compensation and Pension (C&P) exam, 20 November 2001, 2 weeks prior to separation, the CI reported pain, swelling, instability of the left knee with daily flare ups that could become severe with overuse. The symptoms were alleviated by medication and rest. The physical exam evidenced tenderness to compression of the left knee with crepitus, however ROM was normal (and equal to the opposite knee) and no inflammation of the left knee was noted. X-ray exam of the left knee was normal. Tests for instability (drawer, Lachman, pivot shift) and meniscus signs were negative. Gait was normal as well as muscular and neurological exam. The CI did not show any signs of abnormal weight bearing, he did not require assistive device for walking, or shoe inserts. At that time, he had no limitations of standing or walking. The Board directs attention to its rating recommendation based on the above evidence. The PEB rated the condition 20% under code 5257 considering recurrent knee instability. The VA rated the condition 0% based on the C&P examination which did not document examination findings of instability. There was no limitation of motion to warrant a rating under the respective VASRD codes (5260 and 5261). There was not a dislocated meniscus with locking to support a rating under code 5258 (dislocated meniscus). Considering the 5257 code used by the PEB, the Boards noted the objective evidence of knee instability on the MEB examination supported no more than the 20% rating adjudicated by the PEB. The Board discussed whether the evidence more nearly approximated the 10% rating however the Board may not recommend a rating lower than the PEB. The Board concluded there was no evidence of severe instability to support a higher rating and there was no objective painful motion on examinations to support an additional 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 chronic posterior cruciate ligament deficient, left knee 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 chronic posterior cruciate ligament deficient, left knee

condition and IAW VASRD §4.71a, 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
Chronic Posterior Cruciate Ligament Deficient Left Knee	5257	20%
	COMBINED	20%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120608, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans' Affairs Treatment Record

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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 21 Feb 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 USN
- former USN
- former USMC
- former USN
- former USMC
- former USN
- former USN
- former USN
- former USMC
- former USMC
- former USMC
- former USMC

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Assistant General Counsel
(Manpower & Reserve Affairs)