

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: X
CASE NUMBER: PD1201046
BOARD DATE: 20130306

BRANCH OF SERVICE: MARINE CORPS
SEPARATION DATE: 20030215

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty LCpl/E-3 (5811/Military Police) medically separated for chronic pain syndrome following two hydrocelectomies (removal of a fluid-filled sack in the scrotum). Despite the surgical intervention the CI could not be adequately rehabilitated to meet the requirements of his Military Occupational Specialty (MOS) or physical fitness standards. He was consequently put on limited duty (LIMDU) and referred for a Medical Evaluation Board (MEB). The MEB diagnosed "chronic pain syndrome; status post hydrocelectomy times two" and forwarded the case to the Physical Evaluation Board (PEB) with no other conditions. The PEB adjudicated "chronic pain syndrome, status post hydrocelectomy time [sic] two," as unfitting and rated 10%. The CI made no appeals and was medically separated with a 10% disability rating.

CI CONTENTION: "Condition has selverely (sic) worsened/hands almost have no use off and has affected every job to where I cannot function in todays society. Due to a disability I am unable to live a normal life soon to be homeless cannot hold a job due to injury."

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 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 hydrocele condition is addressed below. The CI contention about a hand injury was not mentioned by either the MEB or PEB and is therefore not within the Board scope of review. 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 20011227			VA (1 Mo. Pre-Separation) – Effective 20030216			
Condition	Code	Rating	Condition	Code	Rating	Exam
Chronic Pain Syndrome S/P Hydrocelectomy	7599-8730	10%	Status Postoperative Residuals w/Recurrence, Right Hydrocele	7599-7525	10%	20030115
↓No Additional MEB/PEB Entries↓			Adjustment Disorder w/Anxiety and Major Depressive Disorder	9440	10%	20030117
			Residual Postoperative Groin Scars	7804*	10%	20030115
			0% X 2 / Not Service Connected x 1			
Combined: 10%			Combined: 30%			

*20040601 VARD added groin scar at 10% effective retroactive to date of separation; initial combined VA disability was 20%.

ANALYSIS SUMMARY:

Chronic Pain Syndrome Status Post Hydrocelectomy. The CI underwent surgery in September 2000 to repair a symptomatic right testicular hydrocele, and a follow-up procedure in January 2001 to alleviate post-operative pain due to adhesions and scarring. A testicular ultrasound performed in July 2001 reportedly showed a complex right hydrocele and scarring. The MEB exam in August 2001, 4 months prior to separation, noted that the CI continued to have “a large amount of pain on the right side” and was “unable to do any physical activity without extremes of pain.” The examiner found tenderness in the right side of the scrotum. At the VA Compensation and Pension (C&P) exam in January 2003, a month prior to separation, the examiner noted that “when he stands, it hurts a great deal in the testicle and in the operative site.” The examiner noted tenderness of the right testicle and right inguinal canal; the testicle was not hard and the epididymis was not tender.

The Board directs attention to its rating recommendation based on the above evidence. The PEB assigned a 10% rating for code 7599-8730 (severe neuralgia, ilio-inguinal nerve). The VA’s 10% rating was based on analogous code 7525 (chronic epididymo-orchitis rated as urinary tract infection). The Board considered the evidence and agreed that the condition was best represented by severe chronic pain related to the ilio-inguinal nerve for a 10% rating, the highest rating allowed under code 8730. The Board concluded therefore that this condition could not be recommended for a higher disability rating.

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 pain syndrome status post hydrocelectomy condition and IAW VASRD §4.124a, 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 Pain Syndrome Status Post Hydrocelectomy	7599-8730	10%
	COMBINED	10%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120622, w/atchs.
- Exhibit B. Service Treatment Record.
- Exhibit C. Department of Veterans Affairs Treatment Record.

X
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)