

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXXXXXX  
CASE NUMBER: PD1201261  
BOARD DATE: 20130115

BRANCH OF SERVICE: ARMY  
SEPARATION DATE: 20010925

**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty, SPC/E-4, (95B/Military Policeman), medically separated for right shoulder pain. The CI reported right shoulder pain (dominant) beginning in September 1999 and complained of intermittent pain with strenuous physical activity. She could not be adequately rehabilitated to meet the physical requirements of her Military Occupational Specialty (MOS). She was authorized an alternate aerobic event to satisfy physical fitness standards. She was issued a permanent U3 profile and referred for a Medical Evaluation Board (MEB). The MEB forwarded no other conditions for Physical Evaluation Board (PEB) adjudication. The PEB adjudicated the right shoulder condition as unfitting, rated 0%, with 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:** "I do still experience pain in my shoulder and knees which can prevent me from being as active as I would like to be."

**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 other requested condition, "knees," is not within the Board's purview. 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 20010607     |           |        | VA (6.5 Mos. Post-Separation) – All Effective Date 20010926 |      |        |          |
|-----------------------------------|-----------|--------|---|------|--------|----------|
| Condition                         | Code      | Rating | Condition   | Code | Rating | Exam     |
| Right Shoulder Pain               | 5099-5003 | 0%     | R shoulder acromioclavicular (AC) separation                | 5203 | 10%    | 20020410 |
| ↓ No Additional MEB/PEB Entries ↓ |           |        | Not Service-Connected x 1                                   |      |        | 20020410 |
| <b>Rating: 0%</b>                 |           |        | <b>Rating: 10%</b>  |      |        |          |

**ANALYSIS SUMMARY:**

**Right Shoulder Pain Condition.** There was one goniometric range-of-motion (ROM) evaluation in evidence in the MEB exam, and one unelaborated VA assessment, with documentation of

additional ratable criteria, which the Board weighed in arriving at its rating recommendation; as summarized in the chart below.

| Right Shoulder ROM (Degrees) | MEB ~6 Mo. Pre-Sep  | VA C&P ~6.5 Mo. Post-Sep                                |
|------------------------------|---|---|
| Flexion (0-180)              | 180   | "Full ROM when compared to the normal left"             |
| Abduction (0-180)            | "Glenohumeral abduction 90"   |   |
| Comments                     | Instability & tenderness of AC joint, limited abduction, painful movement | Tenderness; prominent AC joint; pain on extremes of ROM |
| §4.71a Rating                | 10%-20% (PEB 0%)  | 10%   |

The MEB narrative summary (NARSUM) in March 2001, 6 months before separation, noted chronic pain not improved with physical therapy (PT) and conservative management. The service treatment record (STR) described pain with movement, weight-bearing, and overhead movement. The CI had no history of dislocation, neck pain, or paresthesias in her extremities. An X-ray exam in October 1999 showed instability of the right acromioclavicular (AC) joint, with mild enlargement of the joint space with weight-bearing. Magnetic resonance imaging (MRI) in October 2000 showed tendinitis. The physical exam found tenderness of the AC joint. The CI had slight pain with the cross arm test, no pain with an impingement maneuver or speed test, and negative piano keying and arm drop tests. There was no apprehension with abduction and external rotation. Her rotator cuff strength tests were normal. The motor and sensory exam showed no abnormalities. Reflexes were normal. The shoulder exam is summarized above with ROM specified as "Forward flexion 180 degrees. Glenohumeral abduction 90 degrees. External rotation 90 degrees. Internal rotation 90 degrees."

At the VA Compensation and Pension (C&P) exam in April 2002, 6 months after separation, the CI reported pain with overhead work. She worked as a cashier and bank teller, and had not missed any work because of her right shoulder condition. The physical exam noted a full ROM, without elaboration, with pain on extremes of ROM. The physical exam noted tenderness of the AC joint, without swelling. The VA rating decision cited a right AC separation in the STR in September 1999 (source document not found in evidence).

The Board directs attention to its rating recommendation based on the above evidence. Although the MEB and VA exams were chronologically equidistant from the date of separation, the Board considered the MEB exam more complete and it had the higher probative value for rating the right shoulder at separation. The Board discussed the MEB-stated "Glenohumeral abduction." Glenohumeral abduction is only a portion of the complete arm abduction (which includes, as a minimum, recruitment of the scapulo-thoracic joint) and does not directly align with the VASRD §4.71a ROM measurement and normal values for abduction of the arm in VASRD Plate I. The MEB-stated ROM was adjudged as not indicating equivalency to arm limitation at shoulder level IAW VASRD §4.71a, code 5201 (Arm, limitation of motion of). There was radiographic evidence of mild AC separation with weight-bearing. There was no evidence of malunion, nonunion, or dislocation of the AC joint, or of a muscular injury to the shoulder girdle and arm. The Board considered the evidence of pain-limited movement and unanimously agreed that this case supports a rating of 10% IAW VASRD §4.59 (painful motion) at the time of separation. After due deliberation, considering all of the evidence and mindful of VASRD §4.3 (reasonable doubt), the Board recommends a disability rating of 10% for the right shoulder pain condition, coded 5099-5203.

**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 shoulder pain condition was operant in this case and the condition was adjudicated independently of that policy by the Board. In the matter of the right shoulder pain condition, the Board unanimously recommends a disability rating of 10%, coded 5099-5203 IAW VASRD §4.71a. There were no other conditions within the Board's scope of review for consideration.

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**RECOMMENDATION:** The Board recommends that the CI's prior determination be modified as follows, effective as of the date of her prior medical separation:

| <b>UNFITTING CONDITION</b> | <b>VASRD CODE</b> | <b>RATING</b> |
|----------------------------|-------------------|---------------|
| Right Shoulder Pain        | 5099-5203         | 10%           |
|                            | <b>RATING</b>     | <b>10%</b>    |

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The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120627, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans' Affairs Treatment Record

XXXXXXXXXXXXXXXXXX, DAF  
Acting Director  
Physical Disability Board of Review

SFMR-RB

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

SUBJECT: Department of Defense Physical Disability Board of Review Recommendation  
for xxxxxxxxxxxxxxxxxxxx, AR20130003046 (PD201201261)

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

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Deputy Assistant Secretary  
(Army Review Boards)