

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXX
CASE NUMBER: PD1201288
BOARD DATE: 20130219

BRANCH OF SERVICE: ARMY
SEPARATION DATE: 20011002

SUMMARY OF CASE: Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty SPC/E-4 (92A/Logistics Management Specialist), medically separated for a right foot heel condition (status post [s/p] excision of an exostosis calcaneus). The residual impairments after surgery did not improve sufficiently with treatment to meet the physical requirements of her Military Occupational Specialty (MOS) or satisfy physical fitness standards. She was issued a permanent L3 profile and referred for a Medical Evaluation Board (MEB). Migraine headaches as identified in the rating chart below, was also identified and forwarded by the MEB as medically unacceptable. The PEB adjudicated the s/p excision of an exostosis of right calcaneus condition as unfitting, rated 10% with application of the US Army Physical Disability Agency (USAPDA) pain policy. Migraine headaches were determined to be not unfitting. The CI made no appeals, and was medically separated with a 10% disability rating.

CI CONTENTION: 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 ratings for unfitting conditions 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 Army Board for Correction of Military Records.

RATING COMPARISON:

Service PEB – Dated 20070106			VA 1 Mos. Post-Separation) – All Effective Date 20011003			
Condition	Code	Rating	Condition	Code	Rating	Exam
S/P Excision of an Exostosis Calcaneous	7899-7804	10%	R/Heel Haglund's deformity S/P Excision	5024-5271	0%	20010829
			Plantar Fasciitis	5299-5276	0%	20010829
Migraines	Not Unfitting		Migraine Headaches	8100	10%*	20010829
↓ No Additional MEB/PEB Entries ↓			Low Back Strain	5010-5237	10%	20010829
			Graves Disease	7900	10%	20010829
Combined: 10%			0% X 7 / Not Service-Connected x 3			
			Combined: 30%			

* Increase to 30% effective 20090724

ANALYSIS SUMMARY:

Right Foot Heel Pain Condition. The CI underwent surgery in March 2000 to remove a right heel bone spur (excision of an exostosis of the right calcaneus near insertion of Achilles tendon) due to chronic pain preventing performance of vigorous duties. Following surgery she was still unable to continue the physical activity required from an active service member (running, jumping, lifting). In June 2001 she received an L3 profile and MEB was recommended. At the time of the MEB NARSUM, 15 February 2001, 8 months before separation, the CI was working in her MOS performing the technical aspects of her MOS working, but she could not wear combat boots, run, march or do facing movements. On physical exam there was a five centimeter hypertrophic scar lateral and parallel to the Achilles tendon on the posterior border of the calcaneus. The heel was tender to palpation. Ankle range of motion was equal right and left. At the VA Compensation and Pension (C&P) examination, 29 August 2001, a month prior to separation, the CI reported continued heel pain. On examination, the right Achilles tendon was tender to palpation (TTP) with no swelling of the region. A healed three centimeter tender scar was observed. Lower extremity strength and gait was normal. The Board directs attention to its rating recommendation based on the above evidence. The PEB rated the CI condition 10% analogously to 7899-7804, painful scar, considering the residual painful scar. A higher rating under code 7899-7804 would be justified only by the presence of more than two scars. The VA rated the right heel Haglund's deformity status post excision 0% analogously to tenosynovitis and ankle limitation of motion (5024-5271). Codes 5024-5271 used by the VA rating consider limitation of motion for the ankles and based on all available evidence there is no impaired range of motion on either ankle. There is evidence of subjective pain with motion which could warrant a 10% rating under the 4.59 VASRD pain with motion policy. 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 status post-excision of an exostosis calcaneus 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. In the matter of the s/p excision of an exostosis calcaneus condition, 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
Status Post Excision of an Exostosis Calcaneus	7899-7804	10%
	COMBINED	10%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120603, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans' Affairs Treatment Record

XXXXXXXXXXXXXXXXXXXX, DAF
Acting Director
Physical Disability Board of Review

SFMR-RB

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

SUBJECT: Department of Defense Physical Disability Board of Review Recommendation
for XXXXXXXXXXXXXXXXXXXX, AR20130003766 (PD201201288)

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

XXXXXXXXXXXXXXXXXXXX
Deputy Assistant Secretary
(Army Review Boards)