

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXXXXX  
CASE NUMBER: PD1201573  
BOARD DATE: 20130201

BRANCH OF SERVICE: ARMY  
SEPARATION DATE: 20030515

**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects that this covered individual (CI) was an active duty 2LT/0-1 (11A/Infantry), medically separated for diabetes mellitus (DM) Type I. The condition was diagnosed in October 2002 and treatment with Insulin initiated. Treatment with Insulin was disqualifying and he was issued a permanent P3 profile and referred for a Medical Evaluation Board (MEB). The left shoulder instability condition, identified in the rating chart below, was also forwarded by the MEB. The Physical Evaluation Board (PEB) adjudicated the DM Type I condition as unfitting, rated 20%, with application of the Veteran’s Affairs Schedule for Rating Disabilities (VASRD). The left shoulder instability condition was determined to be not unfitting and therefore not rated. The CI made no appeals, and was medically separated with a 20% disability rating.

**CI CONTENTION:** The CI reports his diabetes control “has generally been good up until last past year”, despite diet and lot’s of exercise, and is now on an insulin pump. He elaborates 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 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 20030305			VA (4mos Pre-Separation) – All Effective Date 200516			
Condition	Code	Rating	Condition	Code	Rating	Exam
Diabetes Mellitus Type I	7913	20%	Diabetes Mellitus Type I	7913	20%	20030104
Left Shoulder Instability	Not Unfitting		L Shoulder s/p Arthroscopic Surgery	5299-5201	0%	20030104
<b>Combined: 20%</b>			<b>Combined: 20%</b>			

**ANALYSIS SUMMARY:** The Disability Evaluation System (DES) is responsible for maintaining a fit and vital fighting force. While the DES considers all of the member's medical conditions, compensation can only be offered for those medical conditions that cut short a member’s career, and then only to the degree of severity present at the time of final disposition. The DES has neither the role nor the authority to compensate members for anticipated future severity or potential complications of conditions resulting in medical separation nor for conditions determined to be service-connected by the Department of Veterans Affairs (DVA) but not

determined to be unfitting by the PEB. However the DVA, operating under a different set of laws (Title 38, United States Code), is empowered to compensate all service-connected conditions and to periodically re-evaluate said conditions for the purpose of adjusting the Veteran's disability rating should the degree of impairment vary over time. The Board's role is confined to the review of medical records and all evidence at hand to assess the fairness of PEB rating determinations, compared to VASRD standards, based on severity at the time of separation.

Diabetes Mellitus Type I Condition. The CI was hospitalized 10 October 2002 and diagnosed with Type I DM, stabilized over 2 days, and discharged from the hospital on Insulin. The hospital discharge summary/instruction sheet, dated 12 October 2002, reported the CI's condition as "stable" and reported activities/limitations as "unrestricted." The MEB narrative summary (NARSUM), 15 January 2003, reported that the CI was followed by an endocrinologist and maintained fairly good control of his diabetes. The CI was able to continue physical training at his own pace and distance. He had no complaints of illness or weakness at that time. After stabilization on treatment, there was no evidence of ketoacidosis or hypoglycemia, requiring hospitalizations. The MEB examination performed on 20 December 2002 described the CI as a thin white male in no acute distress. The CI's physical examination was absent any abnormal findings. The MEB recommendation to the PEB states that the CI did not meet medical standards for retention in the military. At the VA Compensation and Pension (C&P) examination, 4 January 2003, 4 months prior to separation, the CI reported that his diabetes had caused restriction in terms of his ability to continue his military training. He reported he had a 25 pound weight loss but he had regained 20 pounds since his initial diagnosis of DM. The CI was capable of performing activities of daily living. The examiner reported that the CI was able to walk, climb stairs, shop, vacuum, garden, drive a car, take out trash, and mow the lawn. The CI was performing sedentary duties at work but the VA examiner felt the CI should be as active as possible. The examiner noted that the CI had no restrictions of his activities. The Board directs attention to its rating recommendation based on the above evidence. The PEB and VA chose the same coding options for the condition and both were IAW §4.119 (Schedule of ratings-endocrine system). The PEB coded 7913 rated at 20% and this criteria requires Insulin and restricted diet, or; oral hypoglycemic agent and restricted diet. The VA coded 7913 rated at 20% based on the same criteria. The review of the service treatment records indicate that the CI had was responding well to his treatment following his initial hospitalization in which he was diagnosed. There were no subsequent episodes of ketoacidosis, hypoglycemic reactions, or hospitalizations documented proximate to the time of separation to meet the criteria of one of the higher ratings under the code 7913. The determining factor between the 20% and 40% rating is the presence of regulation of activities which is defined as avoidance of strenuous occupational or recreational activities by the VASRD. There was no evidence that the CI was advised by a physician to avoid strenuous occupational or recreational activities due to his DM diagnosis. Both the MEB and PEB physician examiners recommended that the CI have no restriction of physical activities. Board members agreed that there was no evidence to support that a physician had indicated that the CI's condition was unstable and required regulation of activities. The Board agreed with both the PEB and VA that the DM condition was properly rated at 20%. After due deliberation in consideration of the preponderance of the evidence, the Board concluded that there was insufficient cause to recommend a change in the PEB fitness determination for the DM condition.

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**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 DM condition and IAW VASRD §4.119, 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:

<b>UNFITTING CONDITION</b>	<b>VASRD CODE</b>	<b>RATING</b>
Diabetes Mellitus Condition	7913	20%
	<b>COMBINED</b>	<b>20%</b>

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The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20120806, 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 / XXXXXXX), 2900 Crystal Drive, Suite 300, Arlington, VA 22202-3557

SUBJECT: Department of Defense Physical Disability Board of Review Recommendation  
for XXXXXXXXXXXXXXXXXXXX, AR20130003018 (PD201201573)

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)