

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXX
BRANCH OF SERVICE: AIR FORCE

CASE: PD-2018-00180
SEPARATION DATE: 20040130

SUMMARY OF CASE: Data extracted from the available evidence of record reflects this covered individual (CI) was a Reserve O3, Acquisition Manager, medically separated for “depression” with a combined disability rating of 10%.

CI CONTENTION: Review all conditions. The complete submission is at Exhibit A.

SCOPE OF REVIEW: The panel’s scope of review is defined in DoDI 6040.44. It is limited to review of disability ratings assigned to those conditions determined by the Physical Evaluation Board (PEB) to be unfitting for continued military service, and when specifically requested by the CI, those conditions identified by the Medical Evaluation Board (MEB) but determined by the PEB to be not unfitting or non-compensable. Any conditions outside the panel’s defined scope of review, and any contention not requested in this application, may remain eligible for future consideration by the Board for Correction of Military Records. The panel’s authority is limited to assessing the fairness and accuracy of PEB rating determinations and recommending corrections when appropriate. The panel gives consideration to VA evidence, particularly within 12 months of separation, but only to the extent that it reasonably reflects the severity of disability at the time of separation.

RATING COMPARISON:

SERVICE PEB - 20031001			VARD - 20050103			
Condition	Code	Rating	Condition	Code	Rating	Exam
Depression - Less Contributing Aggravating Factors = Combined	9434	30% -20% 10%	Major Depressive Disorder (MDD)	9434	30%	20040622
History of Neurocardiogenic Syncope	Cat II, Not Unfitting		No VA Placement			
Paroxysmal Supra Ventricular Tachycardia	Cat II, Not Unfitting		Paroxysmal Supra Ventricular Tachycardia	7010	0%	20040621
COMBINED RATING: 10%			COMBINED RATING OF ALL VA CONDITIONS: 70%			

ANALYSIS SUMMARY:

Depression. According to the service treatment record (STR) and MEB narrative summary (NARSUM), the CI’s depression began in December 2001 with complaints of job stress, feelings of inadequacy, and self-doubts. His condition was treated with antidepressant medication and talk therapy. He was never psychiatrically hospitalized or treated in the emergency room (ER) for a mental health condition, and there was no history of suicidal or homicidal ideation or intent.

During the 14 May 2003 MEB NARSUM examination, 8 months prior to separation, the CI complained of disturbed mood and sleep, lack of pleasure, and low energy. He participated in talk therapy with a civilian psychologist who identified personality issues (narcissistic and obsessive compulsive) as well as an adjustment disorder, depression, and dysthymia. The mental status examination (MSE) was unremarkable except for considerable emotional constriction.

Comprehension and insight were intact and there was no evidence of psychosis. Judgment remained intact although problem solving abilities were limited. While he was 'feeling a little better' on medication and had "some responsiveness to psychotherapy," the CI reported continued irritability, fatigue, and sleep difficulties, and expressed dissatisfaction with self and career. The examiner's Axis I diagnosis was recurrent, moderate MDD with an Axis II diagnosis of obsessive-compulsive personality disorder. The examiner opined that the CI had significant social and industrial impairment, with difficulty sustaining relationships; and also recorded moderate symptoms and a recommendation for intensive individual psychotherapy with psychiatric care.

At the 22 June 2004 VA Compensation and Pension (C&P) mental health examination, 5 months after separation, the CI reported continued use of his antidepressant medication and that he was recently referred to VA primary care for medication management. He had ended talk therapy with his civilian psychologist in May 2003. After his discharge, the CI took time off to drive around the country to visit with friends. He maintained a long-distance relationship with his girlfriend and lived with his parents. He was not officially employed but engaged in some work around his grandparents' farm and for friends. The CI stated that his energy levels varied, and he had difficulty with motivation and decision-making. The MSE noted that the CI was anxious, restless, and depressed. There was no impairment in memory, concentration, or judgement and no evidence of psychosis or a formal thought disorder. The examiner diagnosed recurrent MDD.

The panel directed attention to its rating recommendation based on the above evidence. The PEB rated the depression 30%, then deducted 20% for contributing aggravating factors for a combined 10%, coded 9434 (MDD). The PEB cited personality disorder as a non-ratable/non-compensable condition, that under disability law and policy, significantly affected the severity of CI's depressive disorder. The PEB also opined that if not for the personality disorder, the CI's social and industrial adaptability impairment rating would be "best described as mild in accordance with DoD/VASRD guidelines." The VA rated MDD 30%, coded 9434, based on the C&P examination, citing moderate symptoms or difficulty in social, occupational, or school functioning. Panel members first noted the NARSUM examiner documented moderate to significant disability for continued military service and occupational functioning. Although the examiner also listed obsessive-compulsive personality disorder as an Axis II diagnosis, it was "by history," implying there was no current evidence that the condition affected the CI's depression. Additionally, the examiner did not document that the personality disorder affected social and industrial impairment. Panel members agreed that the underpinning for the personality disorder's effect on the severity of the MDD was overly tenuous. Without a directed opinion from the examiner regarding the degree of contribution from each condition, clinically extricating the level of disability attendant to the MDD impairment was speculative at best. Thus, the panel concluded that no deduction should be applied to the condition.

Next, in deliberating a rating (IAW VASRD §4.130) of the overall psychiatric disability in evidence at separation, panel members found no STR documentation of the CI ever being hospitalized or treated in ER for his mental health condition. He reported problems with sleep and energy, as well as excessive eating, but no suicidal or homicidal ideation. The NARSUM examiner recorded moderate symptoms, with significant social and industrial impairment, and recommended intensive individual psychotherapy with psychiatric care. At the time of the C&P examination, the CI's condition had improved significantly. He continued to take psychotropic medication, which was helpful, and was not being treated by a psychiatrist for his condition. He maintained relationships with his family, friends, and girlfriend, and even though he was not formally employed, there was no indication that he was unable to work. After due deliberation, considering all the evidence and mindful of VASRD §4.3 (reasonable doubt), the panel recommends a disability rating of 30% (no deduction) for the MDD, coded 9434.

Contended PEB Conditions: History of Neurocardiogenic Syncope; Paroxysmal Supra Ventricular Tachycardia. The panel's main charge is to assess the fairness of the PEB determination that the

contended conditions were not unfitting. None of the conditions had duty profile restrictions or were implicated in the commander's statement; and there was no performance-based evidence from the record that any of the conditions significantly interfered with satisfactory duty performance at separation. After due deliberation, the panel concluded there was insufficient cause to recommend a change in the PEB fitness determination for any of the contended conditions, so no additional disability ratings are recommended.

BOARD FINDINGS: In the matter of the depression, the panel recommends a disability rating of 30%, coded 9434 IAW VASRD §4.130. In the matter of the contended neurocardiogenic syncope and paroxysmal supra ventricular tachycardia, the panel recommends no change from the PEB determinations as not unfitting. There are no other conditions within the panel's scope of review for consideration.

The panel recommends the CI's prior determination be modified as follows; and, that the discharge with severance pay be re-characterized to reflect permanent disability retirement, effective the date of medical separation:

CONDITION	VASRD CODE	PERMANENT RATING
Major Depressive Disorder	9434	30%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20180407, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans Affairs Record

SAF/MRB
3351 CELMERS LANE
JBA NAF WASHINGTON, MD 20762-6435

Dear XXXXXXXX

Reference your application submitted under the provisions of DoDI 6040.44 (Section 1554, 10 USC), PDBR Case Number PD-2018-00180.

After careful consideration of your application and treatment records, the Physical Disability Board of Review determined that the rating assigned at the time of final disposition of your disability evaluation system processing was not in accordance with the guidelines of the Veterans Affairs Schedule for Rating Disabilities. Accordingly, the Board recommended your separation be re-characterized to reflect disability retirement, rather than separation with severance pay.

I have carefully reviewed the evidence of record and the recommendation of the Board. I concur with that finding, accept the recommendation and determined that your records should be corrected accordingly. The office responsible for making the correction will inform you when your records have been changed.

As a result of the aforementioned correction, you are entitled by law to elect coverage under the Survivor Benefit Plan (SBP). Upon receipt of this letter, you must contact the Air Force Personnel Center via email at AFPC.SBP@US.AF.MIL to make arrangements to obtain an SBP briefing prior to rendering an election. If a valid election is not received within 90 days from the date of this letter, you will not be enrolled in the SBP program unless at the time of your separation, you were married, in such a case, failure to render an election will result in automatic enrollment by law.

Sincerely,

Attachment:
Record of Proceedings