

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXX
BRANCH OF SERVICE: ARMY

CASE: PD-2022-00031
SEPARATION DATE: 20020801

SUMMARY OF CASE: Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty O3, Intelligence Officer, medically separated for “bilateral knee pain” with a disability rating of 0%.

CI CONTENTION: “Chronic knee injury (left and right) not fully evaluated. Damage to left ring finger not assessed at all.” He also requested review of additional conditions not identified by the Medical Evaluation Board (MEB) and Physical Evaluation Board (PEB). 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 PEB to be unfitting for continued military service, and when specifically requested by the CI, those conditions identified by the 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 - 20020425			VARD - NA			
Condition	Code	Rating	Condition	Code	Rating	Exam
Bilateral Anterior Knee Pain Syndrome	5099-5003	0%	No VA Examination in Evidence			
Fourth Distal Interphalangeal Joint, Flail Joint	Not Unfitting					
COMBINED RATING: 0%			COMBINED RATING OF ALL VA CONDITIONS: NA			

ANALYSIS SUMMARY:

Bilateral Anterior Knee Syndrome. According to the service treatment record (STR) and MEB narrative summary (NARSUM), the CI had a history of knee pain triggered by running and overuse since 1994 but no specific injury. Orthopedic evaluation noted normal knee X-rays and a diagnosis of bilateral patellofemoral pain. He received numerous temporary profiles, but eventually the pain became constant, and he was placed on a permanent L2 profile for no running. At an orthopedics evaluation on 31 January 2002, the CI reported persistent bilateral knee pain, an inability to run, and difficulties with job performance. Physical examination noted no acute findings and normal X-ray and bone scan results.

During the 11 February 2002 MEB examination (recorded on DD Forms 2807-1 and 2808), 6 months prior to separation, the CI reported knee trouble for the previous 7 years. On

examination, the knees were tender medially as well as over the upper and lower poles. Bilateral range of motion (ROM) was from 0-145 degrees (normal).

The 18 March 2002 MEB NARSUM orthopedic addendum, 4 months before separation, noted CI complaints of bilateral anterior knee pain for more than 5 years. Physical findings showed normal appearing knees with no effusions or instability. There was some tenderness, specifically along the medial patella bilaterally, and a mildly positive patellar inhibition test (assumed bilaterally), but no patellar subluxation. Both knees demonstrated full active ROM. The 28 March 2002 MEB NARSUM examination, 10 days later, was performed by the same orthopedic provider. The CI reported that he was unable to do heavy lifting, wear a rucksack or load bearing equipment, or walk for long periods. The examiner recorded bilateral knee tenderness to patellar pressure and ROM as stated above. There was no warmth, effusion, or laxity, and tests for meniscal damage were negative. Testing for patellofemoral joint pain (patellar grind test) was positive.

The 28 February 2002 commander's statement indicated the CI was unable to perform his duties due to his damaged knees. Specifically, he could not "do sit-ups, run, jump, crawl, lift objects over 15 pounds, wear a soldier's basic load of equipment in the field, walk for extended periods, perform other aerobic activities, or sit/stand in one position for any extended period of time." Over an 18-month period, the commander observed "pained expressions on his face, wincing and exclamations from him while climbing stairs and entering/exiting vehicles, and the 'gun-fire' crack of both his knees when he has been sitting in one position for a while and then stands up... he constantly shifts from one leg to the other when standing in one spot for more than five minutes and...conducts a 'minor bending' of his knees a lot, as well, when standing." There was no VA examination proximate to separation in the record.

Panel members agreed that based on the STR evidence, functional limitations of both the left and right knee conditions contributed to the CI's inability to perform his military duties, and accordingly separate disability ratings are recommended. The panel directed attention to its rating recommendation based on the above evidence for the right and left knees. The PEB rated the bilateral knee condition 0%, coded 5099-5003 (analogous to degenerative arthritis) citing the US Army Physical Disability Agency pain policy. The panel noted the medical evidence in record for rating the right and left knees was identical and considered its rating recommendation for the unfitting knee conditions together at the time of separation. While there was no compensable limitation of flexion or extension under codes 5260 or 5261, there was evidence of painful motion with functional loss supporting a 10% rating (based on §4.59, §4.40 and §4.45) based on the presence of positive grind test bilaterally at the MEB NARSUM examination. The grind test involves placing pressure on the patella with the leg extended and having the patient tense the quadriceps muscles to fully extend the knee. Pain with this maneuver indicates patellofemoral joint pain. Painful motion of the knees was also supported by the detailed commander's statement. Therefore, the panel concluded that a 10% rating, but no higher, was warranted for each of the knees after considering all applicable VASRD §4.71a. codes. After due deliberation, and considering all the evidence, the panel recommends a separately unfitting determination with a disability rating of 10% each for the right and left knee conditions, both coded 5099-5003.

Contended PEB Condition: Fourth Distal Interphalangeal Joint, Flail Joint. The panel's main charge is to assess the fairness of the PEB determination that the contended condition was not unfitting. The contended condition was not profiled or implicated in the commander's statement and did not fail retention standards. There was no performance-based evidence from the record that the condition 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 the contended condition, so no additional disability rating is recommended.

BOARD FINDINGS: In the matter of the bilateral knee condition, the panel recommends that each joint be separately adjudicated as follows: an unfitting right knee condition, rated 10% and an unfitting left knee condition, rated 10%, both coded 5099-5003 IAW VASRD §4.71a. In the matter of the contended fourth distal interphalangeal joint condition, the panel recommends no change from the PEB determination 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, effective the date of medical separation:

CONDITION	VASRD CODE	PERMANNT RATING
Right Knee Pain	5099-5003	10%
Left Knee Pain	5099-5003	10%
	COMBINED	20%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20220312, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans Affairs Record

AR20230009451, XXXXXXXXXXX

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Dear XXXXXXXXXXX:

The Department of Defense Physical Disability Board of Review (DoD PD BR) reviewed your application and found that your disability rating should be modified but not to the degree that would justify changing your separation for disability with severance pay to a permanent retirement with disability. I have reviewed the Board's recommendation and record of proceedings (copy enclosed) and I accept its recommendation. This will not result in any change to your separation document or the amount of severance pay. A copy of this decision will be filed with your Physical Evaluation Board records. I regret that the facts of the case did not provide you with the outcome you may have desired.

This decision is final. Recourse within the Department of Defense or the Department of the Army is exhausted; however, you have the option to seek relief by filing suit in a court of appropriate jurisdiction.

A copy of this decision has also been provided to the Department of Veterans Affairs and to the counsel you listed on your application