

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXX  
BRANCH OF SERVICE: ARMY

CASE: PD-2022-00052  
SEPARATION DATE: 20061031

**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty E5, Administrative Specialist, medically separated for “systemic lupus erythematosus,” with a disability rating of 10%.

**CI CONTENTION:** “I would like my rating to be reviewed for possible increase in rating because I was immediately rated 30% from the VA for the same service-connected disabilities I was released from.” The CI 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 - 20060925			VARD 20070529			
Condition	Code	Rating	Condition	Code	Rating	Exam
Systemic Lupus Erythematosus (SLE)	6350	10%	SLE	6350	10%	20060822
Graves’ Disease	Not Unfitting		Graves’ Disease	7900	10%	
Hypertension			Hypertensive	7101	0%	
History of Fibroids			Uterine Fibroids, Post-Surgical Removal	7628	0%	
Depression			Depressive Disorder	9435	10%	20070224
Headache			No VA Placement			
<b>COMBINED RATING: 10%</b>			<b>COMBINED RATING OF ALL VA CONDITIONS: 30%</b>			

**ANALYSIS SUMMARY:**

**Systemic Lupus Erythematosus (SLE).** According to the service treatment record (STR) and MEB narrative summary (NARSUM), the CI’s SLE began in 2004 with no known precipitating event.

During the 16 August 2006 MEB examination (recorded on DD Forms 2807-1 and 2808), 2 months prior to separation, the CI reported arthritis in the knees and hands. Physical examination was not reported. The MEB NARSUM examination, on the same day, noted complaints of wrist, knee, and hip pain. Physical findings showed mild tenderness of the knees

and ankles. Otherwise, there was no limitation of motion or evidence of synovitis of other joints.

At the 22 August 2006 VA Compensation and Pension (C&P) examination, 2 months before separation, the CI reported bilateral knee pain, skin rashes, and headaches. Symptoms were exacerbated by prolonged standing, walking, and running. Flare ups occurred daily lasting 2-3 minutes at a time and were alleviated by rest. The examiner noted full range of motion in all joints without pain, weakness or fatigue, and there was no change with repetition.

The panel directed attention to its rating recommendation based on the above evidence. The PEB rated the SLE 10%, coded 6350 (lupus erythematosus, systemic), citing no evidence of symptomatic synovitis during the previous 2 years. The VA also rated the SLE 10%, coded 6350, based on the STR and C&P examination, citing "exacerbations once or twice a year, or a condition which was symptomatic during the past two years." There was no evidence in the record of exacerbations lasting a week or more 2 or 3 times per year to justify the next higher 60% rating. After due deliberation, considering all the evidence and mindful of VASRD §4.3 (reasonable doubt), the panel concluded there was insufficient cause to recommend a change in the PEB adjudication for the SLE.

Contended PEB Conditions: Graves' Disease, Hypertension, History of Fibroids, Depression, and Headaches. 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 were profiled or implicated in the commander's statement, and none failed retention standards. 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.

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BOARD FINDINGS: In the matter of the SLE and IAW VASRD §4.88b, the panel recommends no change in the PEB adjudication. In the matter of the contended Graves' Disease, hypertension, history of fibroids, depression, and headaches, 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. Therefore, the panel recommends no modification or re-characterization of the CI's disability and separation determination.

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The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20220502, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans Affairs Record

AR20230004900, XXXXXXXXXXX.

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Dear XXXXXXXXXXX:

The Department of Defense Physical Disability Board of Review (DoD PDBR) reviewed your application and found your separation disability rating and your separation from the Army for disability with severance pay to be accurate. I have reviewed the Board's recommendation and record of proceedings (copy enclosed), and I accept its recommendation. I regret to inform you that your application to the DoD PDBR is denied.

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.