

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXX
BRANCH OF SERVICE: AIR FORCE

CASE: PD-2022-00070
SEPARATION DATE: 20040714

SUMMARY OF CASE: Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty E4, Aircraft Structural Maintenance Journeyman, medically separated for “chronic thoracic and lumbar pain” with a disability rating of 10%.

CI CONTENTION: “Under evaluated, rating increase VA.” 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 - 20040423			VARD - 20050324			
Condition	Code	Rating	Condition	Code	Rating	Exam
Chronic Thoracic and Lumbar Pain	5237	10%	Degenerative Disc Disease of the Thoracic Spine with Bulging Disc of L4-5	5243	10%	20041015
COMBINED RATING: 10%			COMBINED RATING OF ALL VA CONDITIONS: 10%			

ANALYSIS SUMMARY:

Back Condition. According to the service treatment record (STR) and MEB narrative summary (NARSUM), the CI suffered from years of back pain of unknown etiology, aggravated by a bicycle accident in November 2002. Treatment to physical therapy, medication and epidural steroid injections failed to allow return to duty in the CI’s specialty. An MRI of the lumbar spine on 17 October 2003 was normal. The 10 March 2004 MEB NARSUM examination, 4 months prior to separation, noted complaints of chronic back pain. Physical examination showed decreased range of motion (ROM) in all planes of motion due to pain. The examiner also noted tenderness.

At the 15 October 2005 VA Compensation and Pension (C&P) examination, 3 months after separation, the CI reported worsening back pain with numbness. He also began to have pain in the lumbar region of his back and into his legs. Physical examination showed normal contour and gait. There was normal or beyond normal lumbar ROM in all planes with pain noted on flexion and lateral movement. Neurological findings were grossly intact. A CT scan of the

lumbar spine revealed a bulging disc at L4-L5, but no evidence of herniated disk material. Thoracic CT showed mild degenerative disc disease.

The panel directed attention to its rating recommendation based on the above evidence. The PEB rated the back condition 10%, coded 5237 (lumbosacral strain). The VA rated the back condition 10%, coded 5243 (intervertebral disc syndrome), based on the C&P examination, citing complaints of pain. The panel agreed a 10% rating was justified for the presence of painful motion. There was no muscle spasm or guarding severe enough to result in an abnormal gait or spinal contour, thus the next higher 20% rating was not justified on this basis. There was no documentation of intervertebral disc syndrome with incapacitating episodes which would provide for a higher rating under that formula. 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 back condition.

BOARD FINDINGS: In the matter of the back condition and IAW VASRD §4.71a, the panel recommends no change in the PEB adjudication. 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.

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20220722, 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 XXXXXX:

Reference your application submitted under the provisions of DoDI 6040.44 (Section 1554, 10 USC), PDBR Case Number PD-2022-00070.

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 appropriate. Accordingly, the Board recommended no rating modification or re-characterization of your separation.

I have carefully reviewed the evidence of record and the recommendation of the Board. I concur with that finding and their conclusion that modification of your disability rating or characterization of your separation is not warranted. Accordingly, I accept the recommendation that your application be denied.

Sincerely,

Attachment:
Record of Proceedings