

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXX
BRANCH OF SERVICE: NAVY

CASE: PD-2022-00073
SEPARATION DATE: 20060809

SUMMARY OF CASE: Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty E3, Communications and Intelligence Specialist, medically separated for “anterior left knee pain...due to patellofemoral syndrome dysfunction” with a disability rating of 10%.

CI CONTENTION: “Discharged for Patella Femoral Pain Syndrome at 10%. Rated 40% with VA Disability for knee instability. Had surgery after military discharge on left knee for torn meniscus with no improvement.” 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 - 20060629			VARD - 20070111			
Condition	Code	Rating	Condition	Code	Rating	Exam
Left Knee Pain...	5299-5003	10%	Left Knee Patellofemoral Dysfunction/Syndrome	5299-5260	0%	STR
COMBINED RATING: 10%			COMBINED RATING OF ALL VA CONDITIONS: 0%			

ANALYSIS SUMMARY:

Left Knee Pain. According to the service treatment record (STR) and MEB narrative summary (NARSUM), the CI’s left knee pain began in December 2003 after an impact injury during basic training. Radiographic studies (dynamic knee CT protocol) from 23 February 2006 showed bilateral subluxation of the patellae, left side greater than right. There was no surgical indication.

The 6 June 2006 MEB NARSUM examination, 2 months prior to separation, noted complaints of pain over the anteromedial aspect of the left knee that had steadily increased. The CI reported “give-out” symptoms with pain localized to the medial aspect of the patella and worsened by navigating stairs and increased activity. Physical examination showed no obvious malalignment, and full left knee range of motion (ROM) with painful crepitus of the left patella. Lachman's and varus/valgus stress tests were stable with no obvious signs of ligamentous laxity. Anterior and

posterior drawer and pivot shift tests were negative. There was no VA examination proximate to separation in evidence.

The panel directed attention to its rating recommendation based on the above evidence. The PEB rated the left knee condition 10%, analogously coded 5299-5003 (degenerative arthritis). The VA rated the left knee condition 0%, analogously 5299-5260 (limitation of flexion of leg), based on the STR. Panel members agreed that while there was no compensable limitation of flexion or extension (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). The panel considered other VASRD knee and analogous codes, but all were less applicable and not advantageous for rating. Thus, there was no higher rating than the 10% adjudicated by the PEB available under any applicable VASRD code. 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 left knee condition.

BOARD FINDINGS: In the matter of the left knee 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 20220807, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans Affairs Record



DEPARTMENT OF THE NAVY
SECRETARY OF THE NAVY COUNCIL OF REVIEW BOARDS
720 KENNON STREET SE STE 309
WASHINGTON NAVY YARD, DC 20374-5023

IN REPLY REFER TO
6040
CORB: 001
22 Aug 23

From: Director, Secretary of the Navy Council of Review Boards

To: XXXXXXXXXX

Subj: Physical Disability Board of Review Determination

Ref: (a) DoDI 6040.44

1. The Physical Disability Board of Review (PBDR) reviewed your case in accordance with reference (a) and forwarded their recommendation for action.
2. On 28 July 2023, the Assistant Secretary of the Navy (Manpower and Reserve Affairs) accepted the PBDR's recommendation of no change to your characterization of separation or disability rating assigned.
3. The PBDR determination is final and not subject to appeal or review.

Date: 2023.08.22
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