

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXX  
BRANCH OF SERVICE: ARMY

CASE: PD-2023-00021  
SEPARATION DATE: 20080320

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**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects this covered individual (CI) was a National Guard E4, Infantryman, medically separated for “arthritis, degenerative, left (non-dominant) shoulder” with a disability rating of 10%.

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**CI CONTENTION:** Review requested of left and right shoulder conditions as well as post-traumatic stress disorder (PTSD). He also requested review of an additional condition (back) not identified by the Medical Evaluation Board (MEB) and Physical Evaluation Board (PEB). The complete submission is at Exhibit A.

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**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.

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**RATING COMPARISON:**

SERVICE PEB – 20080329			VARD – 20090806			
Condition	Code	Rating	Condition	Code	Rating	Exam
Arthritis, Degenerative, Left (Non-Dominant) Shoulder	5003	10%	Degenerative Arthritis, Left Shoulder	5010-5201	20%	20081028
Right Shoulder Pain	Not Unfitting		Right Shoulder Sprain	5201	0%	20081028
Post OIF Deployment Stress Syndrome	Not Unfitting		PTSD with Secondary Depression and Alcohol Abuse	9411	100%	20081028
<b>COMBINED RATING: 10%</b>			<b>COMBINED RATING OF ALL VA CONDITIONS: 100%</b>			

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**ANALYSIS SUMMARY:**

**Left Shoulder Degenerative Arthritis.** According to the service treatment record and MEB narrative summary (NARSUM), in February 2002, the CI fell while carrying gear from the motor pool and sustained blunt trauma and jamming injuries to his left shoulder. At the time, X-rays showed left shoulder joint subluxation, and he subsequently underwent an open inferior capsular shift, which provided some relief. While deployed in 2005, he sustained injuries to both shoulders which caused significant pain and disability. An MRI in October 2006 showed degenerative changes of the left acromioclavicular joint without evidence of a full thickness rotator cuff tear. Due to continuing symptoms, the CI underwent a diagnostic arthroscopy in January 2007 and had an anterior glenoid labral tear repaired.

During the 26 September 2007 MEB consultation, 6 months prior to separation, the examiner noted a history of multiple shoulder subluxations but no frank dislocations requiring reduction. While the CI had left shoulder pain, he had no complaint of instability. Physical findings for the left shoulder showed a positive O'Brien test (labrum tear and acromioclavicular issue) but negative Yergason's and Speed's tests (bicep tendons). He also had a positive apprehension sign, but negative crossarm and load shift tests. The examiner recorded "full range of motion [ROM] from 0 to 100 and 60 degrees in flexion and abduction," with no tenderness or painful motion. On the same day at the MEB physical therapy ROM examination, goniometrically measured ROM revealed left shoulder flexion to 180 degrees (normal) and abduction to 140 degrees.

During the 27 September 2007 MEB examination (recorded on DD Forms 2807-1 and 2808), physical examination noted bilateral shoulder pain and instability with transient paresthesia after subluxation. The following day, at the MEB NARSUM examination, the CI complained of left shoulder pain. Physical findings showed left shoulder "flexion within normal limits" and abduction to 140 degrees after repetitive motion; tenderness and painful motion were present.

At the 28 October 2008 VA Compensation and Pension (C&P) examination, 7 months after separation, the CI reported constant left shoulder pain which varied from moderate to severe, with the worst pain rated at 8/10. Left shoulder ROM tests revealed flexion to 165 degrees and abduction to 80 degrees, with pain in both planes after repetition.

The panel directed attention to its rating recommendation based on the above evidence. The PEB rated the left shoulder condition 10%, coded 5003 (degenerative arthritis), citing a major joint "with radiographic changes and slight limitation of motion." The VA rated the left shoulder condition 20%, dual-coded 5010-5201 (traumatic arthritis-arm, limitation of motion of), based on the C&P examination, citing "limitation of arm motion midway between side and shoulder level or for limitation of arm motion at shoulder level." Panel members noted that the VASRD §4.71a threshold for rating ROM impairment under code 5201 is "at shoulder level" (approximately 90 degrees from the side), and the MEB ROM examination most proximate to separation demonstrated motion above this level. While there was a disparity between the ROM measurements at the MEB consultation and MEB ROM examinations, the panel agreed this was likely due to a typographical or transcription error, given that the examiner stated, "he has full range of motion." Although there was insufficient limitation of motion to support a compensable rating under code 5201, panel members agreed that a 10% rating was justified with application of VASRD §4.59 (painful motion). There was no malunion or recurrent dislocation of the humerus to justify a rating under the code 5202 (humerus, other impairment of); and no nonunion with loose movement of the clavicle to warrant the next higher 20% rating under the code 5203 (clavicle or scapula, impairment of). 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 shoulder condition.

Contended PEB Conditions: Right Shoulder Pain; Post OIF [Operational Iraqi Freedom] Deployment Stress Syndrome. The panel's main charge is to assess the fairness of the PEB's determination that the contended conditions were not unfitting. Neither the right shoulder pain nor the post deployment stress syndrome were profiled or implicated in the commander's statement and neither failed retention standards. The MEB psychiatric consult on 11 October 2007, 5 months before separation, noted the CI had mental health challenges during childhood and developed anxiety, mood and stress symptoms suggestive of PTSD that affected his relationships and social functioning. At the time of the psychiatric evaluation, his symptoms had decreased, and his main issue was irritability. He reported working at the local National Guard armory without significant difficulties, and stated that he had very good duty performance during his deployment with no current problems. The examiner opined there was

minimal impairment for further military duty from a mental health perspective, and mild impairment for social and vocational adaptability. There was no performance-based evidence from the record that neither contended 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 determinations for the right shoulder condition or post OIF deployment stress syndrome, so no additional disability rating is recommended.

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BOARD FINDINGS: In the matter of the left shoulder condition and IAW VASRD §4.71a, the panel recommends no change in the PEB adjudication. In the matter of the contended right shoulder conditions and the post OIF deployment stress syndrome, 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 20230302, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans Affairs Record

AR20230012481, 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.