

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXX
BRANCH OF SERVICE: AIR FORCE

CASE: PD-2023-00042
SEPARATION DATE: 20061218

SUMMARY OF CASE: Data extracted from the available evidence of record reflects this covered individual (CI) was a Reserve E4, Integrated Avionics Systems Instrument and Flight Controls Apprentice, medically separated for “left knee pain” with a disability rating of 10%.

CI CONTENTION: “Debilitating knee and back injuries that resulted in 5 surgeries and ongoing care for pain and mobility. 10% Knee 10% Lower Back.” [Sic] He also requested review of an additional condition 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 - 20061114 | | | VARD - 20070911 | | | |
|--|------|--------|---|------|--------|----------|
| Condition | Code | Rating | Condition | Code | Rating | Exam |
| Left Knee Pain Status Post Arthroscopic Procedures | 5259 | 10% | Residuals, Medial Meniscectomy and Chondroplasty, Left Knee | 5259 | 10% | 20060718 |
| COMBINED RATING: 10% | | | COMBINED RATING OF ALL VA CONDITIONS: 20% | | | |

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 July 2003 while on a conditioning run at basic training. Subsequent medical evaluations revealed a posterior meniscal tear, and he underwent arthroscopic surgery at a civilian healthcare facility on 15 December 2004. After worsening pain, an MRI showed a re-tear, and he had a second surgery on 13 May 2005.

At an orthopedic visit on 23 May 2006, 7 months before separation, the surgeon indicated the CI had another MRI on 21 April 2006 (not in record) revealing a posterior horn medial meniscal tear. Physical findings showed no acute distress and neurologically intact bilateral lower extremities with no sensory deficits. There was posterior medial joint line tenderness and mild patellofemoral crepitus, but no instability. The CI underwent a third arthroscopic surgery on 24 May 2006 which found “no evidence of a horizontal radial or unstable tear.”

The 4 June 2006 MEB NARSUM, written 6 months prior to separation, noted the CI still on "P4 status and not present to be examined." The examiner determined that "despite two arthroscopic surgeries and aggressive physical therapy over the last 1 ½ years in the face of minimal radiographic signs of injury and inability to perform duties..." the CI "not be returned to duty and be separated from the Air Force Reserves."

At a civilian orthopedic post-surgery follow-up on 22 June 2006, the CI reported throbbing left knee pain in the morning with no effective pain relief. The surgeon found no effusion or erythema, and stated there was "no anatomic reason for the patient's discomfort and he is to return to activities without restrictions as his knee is stable." At a civilian orthopedic visit on 26 September 2006, the provider noted continued mild effusion and patellofemoral crepitus with mild pain on compression. There was medial and posteromedial joint line tenderness but no patellar apprehension, instability, deformity, erythema, or warmth. Reflexes were normal bilaterally with intact sensation. An MRI revealed a horizontal tear in the medial meniscus.

The CI had a fourth knee surgery (medial meniscectomy and chondroplasty) on 12 October 2006, 1 month before separation. During the 18 July 2007 VA Compensation and Pension (C&P) examination, 7 months after separation, the CI reported aching, pain, soreness, and tenderness. He also noted stiffness, giving way, and fatigability, and that frequent use and carrying heavy objects caused discomfort. He wore a brace at times. Physical findings revealed normal gait and posture. Left knee flexion was to 140 degrees (normal), with no painful motion.

The panel directed attention to its rating recommendation based on the above evidence. The PEB and VA both rated the left knee condition 10%, coded 5259 (cartilage, semilunar, removal of, symptomatic). The VA cited the STR and C&P examination noting "symptomatic removal of the semilunar cartilage." Panel members agreed that a 10% rating, but no higher, was justified under code 5259 for symptoms associated with the meniscectomy. There was no limitation of flexion or extension to support rating under codes 5260 and 5261. The panel considered other VASRD knee and analogous codes, but all were less applicable and/or not advantageous for rating. There was therefore no higher rating than the 10% adjudicated by the PEB. 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 20230513, 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 XXXXXXXXXXXX:

Reference your application submitted under the provisions of DoDI 6040.44 (Section 1554, 10 USC), PDBR Case Number PD-2023-00042.

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,