

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXX  
BRANCH OF SERVICE: ARMY

CASE: PD-2023-00043  
SEPARATION DATE: 20090522

**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty E4, Satellite Communication Systems Operator/Maintainer, medically separated for “metatarsalgia resulting in chronic right foot pain” with a disability rating of 10%.

**CI CONTENTION:** Review all conditions. 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 - 20090326			VARD - 20100401			
Condition	Code	Rating	Condition	Code	Rating	Exam
Metatarsalgia Resulting in Chronic Right Foot Pain	5279	10%	Status Post Right Foot Surgery, Strain, Mild First Metatarsophalangeal Joint Degenerative Joint Disease	5284	10%	20100318
Low Back Pain	Not Unfitting		Degenerative Arthritis, Lumbar Spine	5003	0%	20100318
<b>COMBINED RATING: 10%</b>			<b>COMBINED RATING OF ALL VA CONDITIONS: 20%</b>			

**ANALYSIS SUMMARY:**

**Metatarsalgia Resulting in Chronic Right Foot Pain.** According to the service treatment record (STR) and MEB narrative summary (NARSUM), the CI reported trouble walking in September 2007 after Airborne training and was diagnosed with Morton’s neuroma. He underwent a neuroma excision of the third interspace of the right foot in December 2007.

During the 25 August 2008 MEB examination (recorded on DD Forms 2807-1 and 2808), 9 months prior to separation, the CI complained of worsening foot pain after the surgery. The examiner documented right foot warmth over the toes that was slightly decreased compared to the left, but with no swelling or inflammation. There was tenderness over the incision scar and hypersensitivity to light touch over the third and fourth metatarsals. At the MEB NARSUM examination the same day, he complained of sharp and burning pain with occasional swelling over the third and fourth metatarsals. The examiner noted that at his second post-operation follow-up for suture removal, the CI reported moderate-severe peri-incisional pain and tingling sensation with hypersensitivity at the

distal aspect of third toe. The examiner referred to the MEB physical findings and also noted decreased, painful range of motion (ROM) of the third and fourth toes, but no swelling or deformity.

At the 18 March 2010 VA Compensation and Pension (C&P) examination, 10 months after separation, the CI reported constant pain that traveled to the bottom of the right foot and toes but that he could function with medication. Physical findings revealed normal posture and gait with no assistive device required for ambulation. There was right foot tenderness but no evidence of edema, disturbed circulation, weakness, signs of inflammation, or instability. Ankle ROM was normal with no painful motion. Right foot X-rays revealed mild first metatarsophalangeal joint degenerative joint disease.

The panel directed attention to its rating recommendation based on the above evidence. The PEB rated the right foot condition 10%, coded 5279 (metatarsalgia, anterior (Morton's disease)) citing unilateral metatarsalgia IAW 4.71(a). The VA also rated the right foot condition 10%, but coded 5284 (other foot injuries), based on the C&P examination, citing foot injury with moderate symptoms. Panel members noted the metatarsalgia rating was the highest under code 5279, but considered code 5284 for other foot injuries. However, there was no report of abnormal gait or assistive device needed for walking; no deformity, inflammation, weakness, weight bearing issue or disturbed circulation (despite slight decrease in warmth recorded at the MEB examination); and no standing or walking limitations. Thus, the panel agreed the condition did not meet criteria for a moderately severe foot disability. There was no other applicable code for a 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 right foot condition.

Contended PEB Condition: Low Back Pain. The panel's main charge is to assess the fairness of the PEB determination that the contended condition was not unfitting. The contended condition was not profiled or implicated in the commander's statement and did not fail retention standards. There was no performance-based evidence from the record that the 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 determination for the contended condition, so no additional disability rating is recommended.

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**BOARD FINDINGS:** In the matter of the right foot condition and IAW VASRD §4.72, the panel recommends no change in the PEB adjudication. In the matter of the contended back condition, the panel recommends no change from the PEB determination 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 20230515, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans Affairs Record

AR20240005684

Dear XXXXXXXXX:

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.

Sincerely,