

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXX  
BRANCH OF SERVICE: ARMY

CASE: PD-2023-00051  
SEPARATION DATE: 20080205

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**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty E3, Intelligence Analyst, medically separated for “bilateral foot and knee pain” with a disability rating of 10%.

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**CI CONTENTION:** No specific contention was made. 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 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.

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**RATING COMPARISON:**

SERVICE PEB – 20071001			VARD – 20080523			
Condition	Code	Rating	Condition	Code	Rating	Exam
Bilateral Foot and Knee Pain	5099-5003	10%	Right Knee Degenerative Changes	5003-5260	10%	20071017
			Left Knee Degenerative Arthritis	5003-5260	10%	20071017
			Bilateral Pes Planus with Left Foot Plantar Fasciitis	6299-5276	10%	20071017
<b>COMBINED RATING: 10%</b>			<b>COMBINED RATING OF ALL VA CONDITIONS: 40%</b>			

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**ANALYSIS SUMMARY:**

**Bilateral Knee Pain.** According to the service treatment record (STR) and MEB narrative summary (NARSUM), the CI’s bilateral knee condition began in 2006 while in basic and advanced individual training. Knee X-rays showed no evidence of fracture or dislocation and only mild changes associated with osteoarthritis. In December 2006, an MRI showed mild degenerative arthritis in both knees with no other evidence of internal derangement.

At the 8 March 2007 MEB physical therapy range of motion (ROM) examination, 11 months before separation, testing revealed right knee flexion from 0-135 degrees (normal 0-140) and left knee flexion from 0-110 degrees, with all measurements limited by pain after repetition. The 13 June 2007 MEB NARSUM examination, 8 months prior to separation, noted complaints of knee pain worsened by prolonged walking, running, rucking, and load-bearing activities. Physical examination of both knees showed tenderness, full range of motion (ROM), and no instability.

At the 17 October 2007 VA Compensation and Pension (C&P) examination, 4 months before separation, the CI reported a constant dull ache in both knees with occasional swelling in the evening. Physical findings showed an antalgic gait but normal heel and toe walk. There was some tenderness, but no effusion, redness or warmth, instability, weakness, or deformity. After repetition, right knee flexion was from 0-130 degrees, and left knee flexion from 0-110 degrees.

The panel directed attention to its rating recommendation based on the above evidence. The PEB bundled the bilateral foot and knee conditions and applied a single 10% rating, coded 5099-5003 (degenerative arthritis), citing arthritis in two major joints. The VA rated the left and right knee conditions 10% each, dual-coded 5003-5260 (degenerative arthritis-leg, limitation of flexion), based on the C&P examination, citing limited motion and bilateral knee pain. The panel first considered whether the left and right knee conditions, having been de-coupled from the combined PEB adjudication, remained separately unfitting. Panel members agreed that the objective findings and associated disability for each knee were nearly identical that the respective ratings should therefore be the same. The panel agreed there was sufficient evidence of painful motion and functional loss to support a 10% rating for each knee IAW §4.59 and §4.40. Panel members considered other VASRD knee and analogous codes, but all were less applicable and not advantageous for rating. There was therefore no higher rating than a 10% for either knee under any other VASRD code. After due deliberation, and considering all the evidence, the panel recommends a disability rating of 10% each for the left and right knee pain, coded 5099-5003.

Bilateral Foot Pain. According to the STR and MEB NARSUM, the CI's foot pain began in November 2006, and she was given a provisional diagnosis of pes planus deformity. During the 12 July 2007 MEB NARSUM podiatry examination, she reported "an extremely difficult time" standing for long periods and performing impact activities. The examiner noted "a slight decrease in her medial longitudinal arch ('too many toe' sign)" and "slight reverse outward tilt of her calcaneus versus the distal one third of her leg bilaterally." While foot X-rays showed no significant flat foot deformity, the examiner documented "a mild flat foot deformity both clinically and radiographically."

At the VA C&P examination, the CI reported bilateral foot pain after prolonged standing and that custom orthotics were "somewhat effective for relief." Physical examination showed an antalgic gait, decreased left lower extremity weightbearing, and left heel tenderness. There was no edema, erythema or warmth, and heel and toe walking was normal with no callosities or breakdown and no unusual shoe wear pattern. The examiner noted normal lower extremity musculoskeletal strength, mild bilateral pes planus, and negative foot X-rays.

The panel directed attention to its rating recommendation based on the above evidence. The PEB bundled the bilateral foot and knee conditions and applied a single 10% rating, coded 5099-5003 (degenerative arthritis), citing arthritis in two major joints. The VA rated the bilateral foot condition 10%, analogously coded 6299-5276 (flatfoot, acquired), based on the C&P examination, citing evidence of painful motion (based on the finding of tenderness, and symptoms incompletely relieved by corrective shoes). The panel first considered whether the left and right foot conditions, having been de-coupled from the combined PEB adjudication, remained separately unfitting. Panel members agreed that the objective findings and associated disability for each foot were nearly identical, and that the respective ratings should therefore be the same. The panel found insufficient evidence of moderate pes planus criteria showing "weight-bearing line over or medial to great toe, inward bowing of the tendo Achilles, or pain on manipulation and use of the feet." While panel members concluded that there was insufficient evidence to support a 10% rating for moderate pes planus, there was sufficient evidence to support a 0% rating for mild bilateral pes planus for "symptoms relieved by built-up

shoe or arch support.” After due deliberation, and considering all the evidence, the panel majority recommends a disability rating of 0% for the bilateral foot pain, coded 5276.

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**BOARD FINDINGS:** In the matter of the bilateral knee condition, the panel recommends a disability rating of 10% for the left knee, coded 5099-5003; and a rating of 10% for the right knee, coded 5099-5003, IAW VASRD §4.71a. In the matter of the bilateral foot condition, the panel majority recommends a disability rating of 0% coded 5276, IAW VASRD §4.72. The single voter for dissent recommends modification to 10% for the bilateral foot condition and did not elect to submit a minority opinion.

The panel recommends the CI’s prior determination be modified as follows, effective the date of medical separation:

<b>CONDITION</b>	<b>VASRD CODE</b>	<b>PERMANENT RATING</b>
Right Knee Pain	5099-5003	10%
Left Knee Pain	5099-5003	10%
Bilateral Foot Pain	5276	0%
	<b>COMBINED</b>	<b>20%</b>

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The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20230619, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans Affairs Record

AR20230013708

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Dear XXXXXXXXXXXX:

The Department of Defense Physical Disability Board of Review (DoD PDBR) reviewed your application and found that your disability rating should be modified to 20% but not to the degree that would justify changing your separation for disability with severance pay to a permanent retirement with disability. I have reviewed the Board's recommendation and record of proceedings (copy enclosed) and I accept its recommendation. This will not result in any change to your separation document or the amount of severance pay. A copy of this decision will be filed with your Physical Evaluation Board records. I regret that the facts of the case did not provide you with the outcome you may have desired.

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.

A copy of this decision has also been provided to the Department of Veterans Affairs.