

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXX  
BRANCH OF SERVICE: ARMY

CASE: PD-2023-00060  
SEPARATION DATE: 20040314

**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty E4, Multiple Launch Rocket System Crewmember, medically separated for “chronic pain with instability, right shoulder” with a disability rating of 0%.

**CI CONTENTION:** He received VA ratings for conditions which the Army did not rate. 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 – 20040113			VARD – 20040401			
Condition	Code	Rating	Condition	Code	Rating	Exam
Right Shoulder Instability	5099-5003	0%	Instability, Right Shoulder	5203	10%	20040210
Right Knee Chondromalacia	Not Unfitting		Strain, Right Knee	5010-5260	10%	20040210
<b>COMBINED RATING: 0%</b>			<b>COMBINED RATING OF ALL VA CONDITIONS: 20%</b>			

**ANALYSIS SUMMARY:**

**Right Shoulder Instability.** According to the service treatment record and MEB narrative summary (NARSUM), the CI’s right (non-dominant) shoulder condition began in June 2001 during basic training. An MRI in January 2003 revealed no more than mild degenerative changes in the acromioclavicular glenohumeral articulations. A minimal signal intensity abnormality in the supraspinatus rotator cuff was possibly related to minor tendinitis. While there was minor increased subluxation in the humeral head, no loose bodies or rotator cuff/labral tears were found.

At the 7 August 2003 MEB NARSUM examination, 7 months before separation, the CI complained of subluxation and popping in the right shoulder when he tried to workout with his right arm in front of his body in 90 degrees or more of flexion, or during any overhead activities. Physical findings showed a right shoulder posterior apprehension sign, but no Hawkins or Neer impingement signs. There was a 2+ sulcus sign (inferior instability), 2+ posterior laxity, and 1+ anterior laxity. The examiner noted both forward flexion and abduction to 180 degrees (normal).

At the 10 February 2004 VA Compensation and Pension (C&P) examination, 1 month before separation, the CI reported right shoulder instability. Measured ROM revealed both flexion and abduction both to 180 degrees, with frequent popping throughout the full range in both planes.

The panel directed attention to its rating recommendation based on the above evidence. The PEB rated the right shoulder condition 0%, analogously coded 5099-5003 (degenerative arthritis), citing slight/intermittent pain according to the US Army Physical Disability Agency pain policy. The VA rated the right shoulder condition 10%, coded 5203 (clavicle or scapula, impairment), based on the C&P examination, citing a malunion or nonunion of the clavicle or scapula. While there was no compensable limitation of flexion or abduction under code 5201 (arm limitation of motion), panel members agreed that a 10% rating was justified for nonunion of the clavicle/scapula without loose movement under code 5203. The panel considered other VASRD shoulder and analogous codes, but all were less applicable and not advantageous for rating. After due deliberation, considering all the evidence and mindful of VASRD §4.3 (reasonable doubt), the panel recommends a disability rating of 10% for the right shoulder condition, coded 5203.

Contended PEB Condition: Right Knee Chondromalacia. The panel's main charge is to assess the fairness of the PEB determination that the contended condition was not unfitting. The right knee chondromalacia was listed by the MEB as a medical condition/defect, and profiled L2, which does not disqualify Army service members from an initial award of their military occupational specialty. The MEB NARSUM documented full right knee ROM without pain on motion, but there was no other 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 shoulder instability, the panel recommends a disability rating of 10%, coded 5203 IAW VASRD §4.71a. In the matter of the right 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.

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

CONDITION	VASRD CODE	PERMANENT RATING
Right Shoulder Instability	5099-5003	10%

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The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20230620, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans Affairs Record

AR20230013706, XXXXXXXXXXXX

Mr. XXXXXXXXXXXX

Dear XXXXXXXXXXXX:

The Department of Defense Physical Disability Board of Review (DoD PD BR) reviewed your application and found that your disability rating should be modified to 10% 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.