

SAF/MRB
3351 Celmers Lane
JBA NAF Washington, MD 20762-6435

Dear XXXXXXXX:

Reference your application submitted under the provisions of DoDI 6040.44 (Section 1554, 10 USC), PDBR Case Number PD-2023-00064.

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 not in accordance with the guidelines of the Veterans Affairs Schedule for Rating Disabilities. Accordingly, the Board recommended modification of your assigned disability rating without re-characterization of your separation with severance pay.

I have carefully reviewed the evidence of record and the recommendation of the Board. I concur with that finding, accept the recommendation and direct that your records be corrected as set forth in the attached copy of a Memorandum for the Chief of Staff, United States Air Force. This will not result in any change to your separation documents or the amount of severance pay you are entitled to. Disability severance pay is computed the same regardless of a rating of 0, 10 or 20 percent.

Sincerely,

Attachments:

1. Directive
2. Record of Proceedings

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXX
BRANCH OF SERVICE: AIR FORCE

CASE: PD-2023-00064
SEPARATION DATE: 20070730

SUMMARY OF CASE: Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty E5, Network Management Technician, medically separated for “bilateral knee pain due to chondromalacia patella/patellofemoral syndrome” with a disability rating of 10%.

CI CONTENTION: Review all conditions and additional conditions 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 - 20070521			VARD - 20080415			
Condition	Code	Rating	Condition	Code	Rating	Exam
Bilateral Knee Pain...	5099-5003	10%	Patellofemoral Pain Syndrome (PFPS), Left Knee	5260	10%	20071115
			PFPS, Right Knee	5260	10%	20071115
COMBINED RATING: 10%			COMBINED RATING OF ALL VA CONDITIONS: 50%			

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 October 2005 after playing basketball. Left knee X-rays in January 2006 showed no evidence of arthritis and radiographic studies in July 2006 showed findings “consistent with chondromalacia patella, knee joint effusion, and small Baker’s cyst.” There were no right knee X-rays in evidence and no surgical indication for either knee.

During the 28 February 2007 MEB NARSUM examination, 5 months prior to separation, the CI reported continued knee pain and did not feel he could deploy, do any heavy lifting, or run due to his knee condition. The examiner noted no knee abnormalities and full range of motion (ROM) with minimal pain during patellar compression and grind tests. There was no evidence of joint laxity after Lachman, anterior drawer, and varus/valgus stress tests.

At the 15 November 2007 VA Compensation and Pension (C&P) examination, 4 months after separation, the CI complained of bilateral knee pain after prolonged sitting or descending stairs, as well as popping in the patellofemoral joint areas. Physical findings showed a small effusion and positive patellar grind test in each knee. There was no evidence of instability after testing, and flexion was to 140 degrees, with pain from 90-140 degrees in both knees. There was no additional limitation of motion or other functional loss after repetitive motion.

The panel first considered if the bilateral knee condition, having been de-coupled from the combined PEB adjudication, remained separately unfitting. The commander's statement and STR did not provide any evidence to allow the panel to discriminate the performance limitations attributable to either knee over the other. Since undue speculation would be required to conclude that impairment from either knee would not have unacceptably interfered with the performance of military duties, panel members agreed that each knee was reasonably justified as separately unfitting.

The panel directed attention to its rating recommendation based on the above evidence. The PEB rated the bilateral knee conditions 10%, analogously coded 5099-5003 (degenerative arthritis), citing arthritis in two major joints. The VA rated the left and right knee conditions 10% each, coded 5260 (leg, limitation of flexion), based on the C&P examination, citing full ROM, painful motion, and functional loss. Panel members noted the objective findings and associated disability for each knee were nearly identical and agreed with the VA that the respective ratings should be the same. While there was no compensable limitation of flexion or extension under diagnostic codes 5260 or 5261, there was evidence of painful motion with functional loss supporting a 10% rating for each knee (based on §4.59, §4.40 and §4.45). The panel considered other VASRD knee and analogous codes, but all were less applicable and not advantageous for rating. After due deliberation, considering all the evidence, the panel recommends a disability rating of 10% for the left knee, and 10% for the right knee condition, each coded 5099-5003.

BOARD FINDINGS: In the matter of the bilateral knee condition, the panel recommends disability ratings of 10% each for the left and right knee, coded 5099-5003, IAW VASRD §4.71a. 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 Knee Pain	5099-5003	10%
Left Knee Pain	5099-5003	10%
	COMBINED	20%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20220121, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans Affairs Record