

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXX
BRANCH OF SERVICE: ARMY

CASE: PD-2023-00075
SEPARATION DATE: 20071120

SUMMARY OF CASE: Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty, Human Resources Specialist, medically separated for “traumatic myositis ossificans, involving the proximal patellar tendon of the left knee” with a disability rating of 10%.

CI CONTENTION: “I was found to be permanently & total disabled by the VA February 9, 2009.”

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 - 20071024			VARD - NA			
Condition	Code	Rating	Condition	Code	Rating	Exam
Traumatic Myositis Ossificans...Left Knee	5099-5003	10%	No VA Examination Proximate to Separation in Evidence			
COMBINED RATING: 10%			COMBINED RATING OF ALL VA CONDITIONS: NA			

ANALYSIS SUMMARY:

Left Knee Myositis Ossificans. According to the service treatment record (STR) and MEB narrative summary (NARSUM), the CI’s left knee condition began in April 2007 after sustaining an injury while playing basketball. In July 2007, an MRI showed myositis ossificans with patellar tendinosis. There was no surgical indication.

During the 17 October 2007 MEB (recorded on DD Forms 2807-1 and 2808) and MEB NARSUM examinations, both 1 month prior to separation, the CI reported his knee condition did not affect his ability to perform specific military occupational tasks but did impact his ability to perform soldier tasks such as ruck marching. Physical examination showed left knee tenderness but no instability. Goniometric measurements revealed active flexion to 125 degrees (normal 140) and extension to 0 degrees (normal), following repetitive movement. There was no VA examination proximate to separation in evidence.

The panel directed attention to its rating recommendation based on the above evidence. The PEB rated the left knee condition 10%, analogously coded 5099-5003 (degenerative arthritis),

citing the US Army Physical Disability Agency pain policy. Panel members noted that while there was no compensable limitation of flexion or extension to support a rating under diagnostic codes 5260 or 5261, there was evidence of painful motion with functional loss in the STR to warrant a 10% rating (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. There was therefore no higher rating than the 10% adjudicated by the PEB under any applicable code. 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 20230930, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans Affairs Record

AR20240005962

Dear XXXXXXXX:

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,