

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXXXXXX
BRANCH OF SERVICE: ARMY

CASE: PD-2023-00089
SEPARATION DATE: 20040714

SUMMARY OF CASE: Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty E4, Network Switching Systems Operator, medically separated for “chronic pain, right foot due to subtalar coalition” with a disability rating of 10%.

CI CONTENTION: The VA gave her a higher rating. 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 – 20040526			VARD - 20041108			
Condition	Code	Rating	Condition	Code	Rating	Exam
Chronic Pain, Right Foot due to Subtalar Coalition	5099-5003	10%	Chronic Pain, Right Foot due to Subtalar Coalition	5271	20%	20041014
COMBINED RATING: 10%			COMBINED RATING OF ALL VA CONDITIONS: 20%			

ANALYSIS SUMMARY:

Right Foot Pain. According to the service treatment record (STR) and MEB narrative summary (NARSUM), the CI’s right foot condition began in November 2001 after a 6-mile run. A right ankle and foot CT scan in May 2002 indicated talar and calcaneal bone coalition with minimal, limited bone effusion, and a podiatrist diagnosed “subtalar joint coalition.”

At the 23 April 2004 MEB examination (recorded on DD Forms 2807-1 and 2808), 3 months prior to separation, the CI reported increased foot trouble with pain, swelling, and impaired use. Physical examination revealed right foot swelling and tenderness as well as limited range of motion (ROM). During the MEB NARSUM examination the same day, she complained of increased right ankle pain. The examiner documented tenderness, but no erythema, edema, or crepitus. Inversion and eversion were decreased on the right at the subtalar joint, and the CI had an antalgic gait favoring the right foot, with significant guarding of the associated extensor tendons. Right ankle ROM measurements showed dorsiflexion to 10 degrees (normal 20), and plantar flexion to 15 degrees (normal 45), with significant pain in both planes during motion.

At the 14 October 2004 VA Compensation and Pension (C&P) examination, 3 months after separation, the CI reported right foot and ankle pain. On examination, she walked with an antalgic gait favoring the left side. Right ankle ROM revealed dorsiflexion to 0 degrees and plantar flexion to 10 degrees, with increased pain during repetitive movements.

The panel directed attention to its rating recommendation based on the above evidence. The PEB rated the right foot condition 10%, analogously coded 5099-5003 (degenerative arthritis), citing the US Army Physical Disability Agency pain policy. The VA rated the right foot condition 20%, coded 5271 (ankle, limited motion), based on the C&P examination, citing marked limited motion of the ankle. Panel members considered whether the limitation of motion was “moderate” or “marked” under code 5271 and agreed that the ROM examinations proximate to separation were consistent with the “marked” level. The presence of an abnormal gait, swelling and significant guarding, along with other findings supporting marked functional loss met the criteria for the maximum 20% rating under this code. After due deliberation, considering all the evidence and mindful of VASRD §4.3 (reasonable doubt), the panel recommends a disability rating of 20% for the right foot condition, coded 5271.

BOARD FINDINGS: In the matter of the right foot condition, the panel recommends a disability rating of 20%, coded 5271 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
Chronic Pain, Right Foot due to Subtalar Coalition	5271	20%

The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20230821, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans Affairs Record

AR20240005945

Dear XXXXXXX:

The Department of Defense Physical Disability Board of Review (DoD PDDBR) reviewed your application and found that your disability rating should be modified 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.