

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXX
BRANCH OF SERVICE: AIR FORCE

CASE: PD-2024-00020
SEPARATION DATE: 20091228

SUMMARY OF CASE: Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty E5, Air Transportation Craftsman, medically separated for “chronic low back pain” with a disability rating of 10%.

CI CONTENTION: “Medical condition due to back issue. 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 - 20090820			VARD - 20100310			
Condition	Code	Rating	Condition	Code	Rating	Exam
Chronic Low Back Pain	5242	10%	Degenerative Disease Lumbar Spine with Radiculopathic Symptoms	5242	20%	20100111
COMBINED RATING: 10%			COMBINED RATING OF ALL VA CONDITIONS: 60%			

ANALYSIS SUMMARY:

Low Back Pain. According to the service treatment record (STR) and MEB narrative summary (NARSUM), the CI began experiencing lower back pain in 2006, which gradually worsened while working bent over on aircraft and loading heavy bags. An August 2009 MRI showed mild degenerative disc height loss and signal at L4-S1 with a mild posterior disc bulge. In October 2008, he had an intradiscal electrothermoplasty (minimally invasive surgery for discogenic pain).

At the 17 April 2009 MEB NARSUM examination, the provider referred to his 6 January 2009 MEB examination, 12 months prior to separation, which noted complaints of moderate pain after sitting in class all day. Physical findings revealed tenderness, and range of motion (ROM) measurements were recorded as “anterior flexion 88 degrees from vertical; posterior extension 19 degrees from vertical.” After the ROM testing, the CI had to sit down due to pain while walking. He limped to protect the right side but recovered after a short time. There was no mention of back spasms.

At a pain specialist examination on 14 July 2009, 6 months before separation, the examiner noted the CI was experiencing moderate muscle spasms, but did not document gait or spine ROM.

Numerous other STR entries for pain specialist and chiropractic visits did not mention ROM or painful motion, and some solely recorded tenderness and/or a normal gait.

During the 11 January 2010 VA Compensation and Pension (C&P) examination, 2 weeks after separation, the CI reported constant low back pain since 2006. Physical findings revealed tenderness and an antalgic gait, but negative bilateral straight leg raise tests. "Lumbar" ROM measurements showed flexion to 90 degrees and a combined ROM of 235 degrees (normal 240). There was evidence of pain, but no fatigue, weakness, incoordination, or lack of endurance following repetitive motion.

The panel directed attention to its rating recommendation based on the above evidence. The PEB rated the low back condition 10%, coded 5242 (degenerative arthritis of the spine). The VA rated the low back condition 20%, also coded 5242, based on the C&P examination, citing "muscle spasm or guarding severe enough to result in an abnormal gait or spinal contour such as scoliosis, reversed lordosis, or abnormal kyphosis." Panel members noted the VA C&P examiner measured "lumbar" spine ROM rather than the goniometric thoracolumbar ROM specified by the VASRD (§4.71a, Plate V). The panel also noted the NARSUM examiner did not document use of a goniometer or that the measurements were for thoracolumbar flexion and extension. Panel members agreed that while the documented ROM measurements limited the probative value of both examinations, neither would support a compensable rating based on ROM. However, a 10% rating was justified for the presence of painful motion and tenderness during both examinations. Although there was an altered gait recorded at the C&P examination, the examiner did not attribute it to muscle spasm or guarding, thus the next higher 20% rating was not justified on this basis. There was no documentation of intervertebral disc syndrome with incapacitating episodes which would provide for a higher rating under that formula. 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 low back pain condition.

BOARD FINDINGS: In the matter of the low back 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 20240328, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans Affairs Record

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

Dear XXXXXX:

Reference your application submitted under the provisions of DoDI 6040.44 (Section 1554, 10 USC), PDBR Case Number PD-2024-00020.

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 appropriate. Accordingly, the Board recommended no rating modification or re-characterization of your separation.

I have carefully reviewed the evidence of record and the recommendation of the Board. I concur with that finding and their conclusion that modification of your disability rating or characterization of your separation is not warranted. Accordingly, I accept the recommendation that your application be denied.