

RECORD OF PROCEEDINGS
PHYSICAL DISABILITY BOARD OF REVIEW

NAME: XXXXXXXXX
BRANCH OF SERVICE: AIR FORCE

CASE: PD-2024-00027
SEPARATION DATE: 20060520

SUMMARY OF CASE: Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty E5, Space Systems Operations Craftsman, medically separated for “low back pain associated with Degenerative Disc Disease [DDD]” with a disability rating of 20%.

CI CONTENTION: Review all conditions. 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 - 20060405			VARD - 20070509			
Condition	Code	Rating	Condition	Code	Rating	Exam
Low Back Pain	5243	20%	Herniated Nucleus Pulposus L4-5, Arthritis, Sciatica	5242	10%	20070418
Neck Pain with Mild DDD		Cat II	No VA Placement			
Overweight		Cat III				
Hyperlipidemia		Cat III				
COMBINED RATING: 20%			COMBINED RATING OF ALL VA CONDITIONS: 10%			

ANALYSIS SUMMARY:

Low Back Pain. According to the service treatment record (STR) and MEB narrative summary (NARSUM), the CI’s low back pain began in September 1999 after slipping when climbing out of a hot tub. Imaging in June 2005 showed DDD with disc bulging. Surgery was not indicated. At a spine clinic examination on 15 November 2005, the provider recorded “lumbar” spine flexion to 40 degrees with extension to 15 degrees, and painful motion.

The 14 January 2006 MEB NARSUM examination, 4 months prior to separation, noted CI complaints of chronic lumbar pain and daily stiffness with severe exacerbations. The examiner documented tenderness but a normal gait, and noted the lumbar spine was “limited in flexion and severely limited in sidebending and rotation.” However, range of motion (ROM) was not

measured/recorded in degrees. On 6 March 2006, the same examiner noted in a MEB NARSUM addendum that there was “no interval change in patients’ status or condition.”

During the 18 April 2007 VA Compensation and Pension (C&P) examination, 11 months after separation, the CI reported constant low back pain and stiffness that occurred on its own or with physical activity. He had difficulty lifting and walking downstairs, and rated the pain at 1-8/10. He was receiving chiropractic care, able to function without medication, and reported no incapacitation. Physical findings revealed thoracolumbar flexion to 90 degrees (normal) and a combined ROM of 220 degrees (normal 240), with painful motion.

The panel directed attention to its rating recommendation based on the above evidence. The PEB rated the back condition 20%, coded 5243 (intervertebral disc syndrome (IVDS)). The VA rated the back condition 10%, coded 5242 (degenerative arthritis of the spine), based on the C&P examination, citing, combined thoracolumbar spine ROM greater than 120 degrees but not greater than 235 degrees. Panel members noted the spine clinic and NARSUM examinations cited measurements for lumbar ROM rather than goniometric thoracolumbar ROM specified by the VASRD (§4.71a, Plate V). It appeared the PEB assigned a 20% rating based on the 40 degrees of lumbar flexion from the spine clinic visit. There was no evidence to support a rating higher than that adjudicated by the PEB. 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 condition.

Contended PEB Conditions: Neck Pain, Overweight, and Hyperlipidemia. The panel’s main charge is to assess the fairness of the PEB determination that the contended conditions were not unfitting. None of the conditions were profiled or implicated in the commander’s statement, and none failed retention standards. There was no performance-based evidence from the record that any of the conditions 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 any of the contended conditions, so no additional disability ratings are recommended.

BOARD FINDINGS: In the matter of the low back condition and IAW VASRD §4.71a, the panel recommends no change in the PEB adjudication. In the matter of the contended neck pain, overweight, and hyperlipidemia conditions, the panel recommends no change from the PEB determinations as not unfitting. 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 20240531, 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 XXXXXXXX:

Reference your application submitted under the provisions of DoDI 6040.44 (Section 1554, 10 USC), PDBR Case Number PD-2024-00027.

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.