

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME:  
BRANCH OF SERVICE: ARMY

CASE: PD-2024-00047  
SEPARATION DATE: 20030320

**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty E4, Utility Equipment Repairman, medically separated for "chronic low back pain and bilateral knee pain" with a disability rating of 0%.

**CI CONTENTION:** He should have been rated higher, his current conditions warrant a higher rating, and he received a higher rating by the VA. The CI also requested review of 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 - 20021204			VARD - 20030328			
Condition	Code	Rating	Condition	Code	Rating	Exam
Chronic Low Back Pain and Bilateral Knee Pain	5099-5003	0%	Low Back Pain	5292	NSC	STR
			Patellofemoral Syndrome, Left Knee	5299-5261	0%	STR
			Patellofemoral Syndrome, Right Knee	5299-5261	0%	STR
COMBINED RATING: 0%			COMBINED RATING OF ALL VA CONDITIONS: 0%			

**ANALYSIS SUMMARY:**

**Chronic Low Back Pain (LBP) and Bilateral Knee Pain.** According to the service treatment record (STR) and MEB narrative summary (NARSUM), the CI's LBP began in February 2001 without any specific injury or trauma. Radiographic studies from June 2002 showed a normal spine and surgery was not indicated.

During the 28 August 2002 MEB examination (recorded on DD Forms 2807-1 and 2808), 7 months prior to separation, the CI reported his MEB was for his knees and his back. Physical examination noted spine tenderness and decreased range of motion (ROM) with flexion (no measurements).

Controlled by: DAF  
Controlled by: SAF/MRBD  
CUI Categories: SP-MIL/SP-PRVCY  
Limited Dissemination Control: N/A  
POC: SAF.MRBD.Workflow@us.af.mil

At the 30 October 2002 MEB NARSUM examination, 5 months before separation, the CI reported difficulty sitting for prolonged periods, climbing stairs, playing with his child, and “carrying extra weights and other objects.” The examiner noted he could “reach the floor with his fingertips and on lateral bend reaches the fibular heads right and left,” with hyperextension to 30 degrees. When rising from a forward bend, there was an obvious paravertebral muscle spasm mostly on the left side. The CI was able to complete straight leg raises from the supine position to 90 degrees without difficulty. There was no VA examination proximate to separation in evidence.

According to the STR and MEB NARSUM, the CI’s bilateral knee condition began in 1999 without any specific injury or trauma. Radiographic studies (undated) showed normal knees, and surgery was not indicated.

At the MEB examination, the CI complained of popping, swelling, crackling, and snapping in both knees. Physical findings showed tenderness and ROM was not measured. The MEB NARSUM examination noted the same complaints mentioned above for the back, and ROM was from 0-130 degrees (normal 0-140). There was bilateral discomfort to pressure at the distal poles of the patellas that was “moderately severe and inhibiting in functional capacity.” There was also some discomfort along the lateral aspects of both knees, particularly on the right knee, but no effusion.

The panel directed attention to its rating recommendation based on the above evidence. The PEB bundled the back and bilateral knee conditions and applied a single 0% rating, coded 5099-5003 (degenerative arthritis), citing the US Army Physical Disability Agency pain policy. The VA determined the back condition was not service connected and rated the left and right knee conditions 0% each, both analogously coded 5299-5261 (limitation of extension of leg), based on the STR, citing extension of the leg limited to 5 degrees.

Panel members first considered whether the low back pain and bilateral knee pain, having been de-coupled from the combined PEB adjudication, remained separately unfitting as established above. Duty limitations for the low back, right knee and left knee were recommended by Army permanent profile dated 2 August 2002, and all these conditions were forwarded by the MEB as failing to meet retention standards. The commander’s statement did not specify any condition but noted the CI could not lift heavy boxes or wear field gear. The panel concluded there was not a preponderance of evidence in the service records that overcame its presumption that each condition was reasonably considered separately unfitting. The panel then considered its rating recommendations for the unfitting back and knee conditions at the time of separation.

In accordance with DoDI 6040.44, the panel is required to recommend a rating IAW the VA Schedule for Rating Disabilities (VASRD) in effect at the time of separation. Panel members noted that the applicable 2002 VASRD standards for the spine were changed to the current §4.71a rating standards in 2004. Thus, the panel must correlate the clinical data above with the 2002 rating schedule, in which related diagnostic codes include: 5292 (limitation of lumbar spine motion); 5293 (intervertebral disc syndrome (IVDS)); and 5295 (lumbosacral strain).

Panel members first determined that a higher rating under code 5003 was not warranted since spine X-rays were normal and there was no recorded limitation of motion. There was no “slight” limitation of motion to justify a rating under code 5292, and no mild IVDS to support a rating under code 5293. Finally, there was no objective evidence of painful motion to justify a 10% rating using code 5295. 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.

The panel next considered its rating recommendation for the unfitting left and right knee conditions at the time of separation. While there was no limitation of flexion or extension in the left and right knees to support ratings under respective codes 5260 or 5261, there was evidence

of functional loss, based on the NARSUM examination, to justify a 10% rating (based on §4.45) for each knee. Panel members considered other VASRD knee and analogous codes, but all were less applicable and not advantageous for rating. After due deliberation, considering all the evidence and mindful of VASRD §4.3 (reasonable doubt), the panel recommends a disability rating of 10% each for the left and right knee conditions, both coded 5260.

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**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 left and right knee conditions, the panel recommends disability ratings of 10% each, coded 5260 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
Low Back Pain	5099-5003	0%
Left Knee Pain	5260	10%
Right Knee Pain	5260	10%
	<b>COMBINED</b>	<b>20%</b>

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The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20240909, w/atchs
- Exhibit B. Service Treatment Record
- Exhibit C. Department of Veterans Affairs Record



**DEPARTMENT OF THE ARMY**  
ARMY REVIEW BOARDS AGENCY  
251 18TH STREET SOUTH, SUITE 385  
ARLINGTON, VA 22202-3531

AR20240011897,

Dear

The Department of Defense Physical Disability Board of Review (DoD PDBR) 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.

Sincerely,

Enclosure