

RECORD OF PROCEEDINGS  
PHYSICAL DISABILITY BOARD OF REVIEW

NAME:  
BRANCH OF SERVICE: ARMY

CASE: PD-2024-00049  
SEPARATION DATE: 20071228

**SUMMARY OF CASE:** Data extracted from the available evidence of record reflects this covered individual (CI) was an active duty E4, Human Intelligence Collector, medically separated for “bilateral exertional compartment syndrome without neurologic deficit” with a disability rating of 0%.

**CI CONTENTION:** He is seeking a retroactive medical retirement and requested a review of 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 - 20071115			VARD - 20081023			
Condition	Code	Rating	Condition	Code	Rating	Exam
Bilateral Exertional Compartment Syndrome...	5399-5312	0%	Bilateral Exertional Compartment Syndrome of the Lower Extremities	5399-5314	NSC	20080908
<b>COMBINED RATING: 0%</b>			<b>COMBINED RATING OF ALL VA CONDITIONS: NA</b>			

**ANALYSIS SUMMARY:**

**Bilateral Exertional Compartment Syndrome.** According to the service treatment record (STR) and MEB narrative summary (NARSUM), the CI’s bilateral leg condition began in September 2005 with gradual onset (no specific injury) during Advanced Individual Training. Surgery was not indicated, and a bone scan performed on 6 July 2007 showed no significant findings of tibia stress fractures. On 7 March 2006, left tibia/fibula X-rays showed a normal left lower leg. At an orthopedic consult on 23 July 2007, the CI had to stop running during compartmental pressure testing on a treadmill (5 minutes) due to anterior and lateral pain in both lower extremities. The examiner recorded that both anterior/lateral compartments were tense and tender but improved after the exercise was completed.

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 17 October 2007 MEB examination (recorded on DD Forms 2807-1 and 2808), 2 months before separation, the CI reported being diagnosed with compartment syndrome in both legs and was not able to run or take long walks. Physical findings revealed normal lower extremities.

During the MEB NARSUM examination, 5 days later, the CI complained of numbness and tingling in both feet, as well as bilateral, anterior leg pain after 1 mile of running or approximately 5-8 minutes of any strenuous activities involving the lower extremities. This pain commonly occurred after physical training and resolved about 20-30 minutes afterwards. The examiner noted soft, subtle anterolateral superficial posterior and deep posterior compartments of both legs, with no localized swelling, erythema, or muscle atrophy. Calf circumferences were symmetric and there was no significant tenderness. Sensation was intact to light touch on both feet and legs, with brisk capillary refill to all toes.

At the 8 September 2008 VA Compensation and Pension (C&P) examination, 8 months after separation, the CI reported doing "very well" since military separation, with no reported pain, symptoms, surgery, bracing, or use of any assistive device. Upon examination of both legs, there was no pain, swelling, soreness, or tenderness. The examiner documented full range of motion (ROM) in the lower extremities, after repetition, and normal neurological findings.

The panel directed attention to its rating recommendation based on the above evidence. The PEB rated the bilateral exertional compartment syndrome 0%, analogously coded 5399-5312 (Group XII function: dorsiflexion), citing the US Army Physical Disability Agency Policy/Guidance Memorandum #12, Table of Analogous Codes. The VA determined the bilateral exertional compartment syndrome was not service-connected based on the C&P examination, citing no permanent residual or chronic disability.

In this case, bilateral exertional compartment syndrome was forwarded to the PEB, and both lower extremities were profiled and implicated by the NARSUM. The commander's statement used the term "bilateral lower extremity" and "legs" to distinguish plural. Other STR evidence did not provide any information which would permit the panel to determine performance limitations attributable to one extremity over the other. Since undue speculation would be required to conclude that either left and/or right lower extremity impairment would not have unacceptably interfered with the performance of military duties, panel members agreed each lower extremity (Group XII function) was reasonably justified as separately unfitting.

The panel agreed that objective findings and associated disability for each lower extremity were, for all intents and purposes, identical, and that the respective ratings should be the same. Under code 5312, a 0% rating is associated with "slight" impairment, and the next highest rating is a 10% for "moderate" functional impairment. Panel members first considered the evidence for the left leg and noted the 23 July 2007 orthopedic pressure test results showed tenseness and tenderness during a treadmill test, but improvement after exercise completion. The NARSUM examination was unremarkable and demonstrated no significant tenderness, an intact neurovascular function, and no evidence of atrophy. Likewise, the C&P examination was unremarkable with documented normal bilateral legs and full ROM. The panel agreed a 0% rating was justified since there was no evidence of limitation of motion of the affected parts. There were no additional applicable codes that would result in a higher rating.

Panel members next considered the right leg and concluded the right and left leg findings were identical, with no evidence to support a rating higher than the 0% adjudicated by the PEB, based on the findings at all examinations. 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 bilateral exertional compartment syndrome.

BOARD FINDINGS: In the matter of the bilateral exertional compartment syndrome and IAW VASRD §4.73, 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.

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The following documentary evidence was considered:

- Exhibit A. DD Form 294, dated 20240919, 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

AR20240013399,

Dear

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,

Enclosure