

INFORMATION PAPER

MCJA-OSC
20 February 2015

SUBJECT: Department of Veteran's Affairs (VA) Disability Percentage Rating for Joints with Functional Loss

1. Purpose: To inform Soldiers of the process used by Department of Veteran's Affairs (VA) to establish a disability percentage rating for joints with functional loss.

2. References:

- a. Title 38, Code of Federal Regulations
- b. 4.40 Functional Loss, 4.59 Painful Motion
- c. Deluca v Brown, 8 Vet. App. 202 (1995)
- d. Mitchell v Shinseki, 25 Vet. App.32 (2011)

3. Discussion: Functional loss, or the inability to perform normal bodily movements, may be due to pain (or weakness or flare-ups) and is physically measured based on joint movement, usually flexion (bending) and extension (straightening). At the VA examination, the examiner records the range of motion measurements so the VA can determine how much function is lost. Based on the documented measurements, the corresponding disability percentage is assigned by the VA. It is important to remember, the range of motion measurements are a key factor in the determination of your disability percentage.

If the range of motion measurements are worse when a joint is used repeatedly (Deluca), or if the examiner determines range of motion measurements are worse during flare-ups (Mitchell), the VA examination will reflect the additional loss of function.

For example, normal range of motion for a knee is 140 degrees of flexion and 0 degrees of extension. If you are able to flex (bend) your knee to 60 degrees, and extend (straighten) your knee to 0 degrees, and the VA examiner reports an additional loss of 15 degrees of flexion when the knee is used repeatedly or during flare-ups, your range of motion for evaluation purposes, would be 45 degrees of flexion ($60-15=45$). Your final range of motion measurements are then compared to the VA rating schedule, where 45 degrees of flexion is found to support a 10% evaluation (see VA rating criteria below).

VA Rating Criteria for knee flexion and extension:

Knee flexion (bending):

Knee extension (straightening):

Flexion limited to 15° 30%
Flexion limited to 30° 20%

Extension limited to 45° 50%
Extension limited to 30° 40%

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| Flexion limited to 45° | 10% | Extension limited to 20° | 30% |
| Flexion limited to 60° | 0% | Extension limited to 15° | 20% |
| | | Extension limited to 10° | 10% |
| | | Extension limited to 5° | 0% |

NOTE: If a major joint is found to have normal range of motion measurements, a 10% rating may still be assigned if the VA physician finds objective evidence of painful motion.

4. This Information Paper is provided as a service to Soldiers in the MEB/PEB process and is intended as general information only. Soldiers' Counsel is available to provide specific legal advice to Soldiers involved in the MEB/PEB process. Contact your local Office of Soldiers' Counsel for more information. If you do not know how to reach your local OSC office please contact your PEBLO or see our website for contact information at <https://www.jagcnet.army.mil/otjagosc>.

Approved by Ms. Joyce A. Hamel

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