

U. S. DEPARTMENT OF LABOR
Employees' Compensation Appeals Board

In the Matter of VERNAJO R. FORD and DEPARTMENT OF THE NAVY,
NAVAL MEDICAL COMMAND, Silverdale, WA

*Docket No. 99-1240; Submitted on the Record;
Issued October 4, 2000*

DECISION and ORDER

Before WILLIE T.C. THOMAS, A. PETER KANJORSKI,
VALERIE D. EVANS-HARRELL

The issue is whether appellant has any permanent impairment of her arms bilaterally causally related to factors of her federal employment.

The Board has duly reviewed the evidence contained in the case record presented on appeal and finds that appellant does not have any permanent impairment of her arms bilaterally causally related to factors of her federal employment.¹

The schedule award provisions of the Federal Employees' Compensation Act² set forth the number of weeks of compensation to be paid for the permanent loss of use of specified members, functions and organs of the body. The Act, however, does not specify the manner by which the percentage loss of a member, function or organ shall be determined. The method of determining this percentage rests in the sound discretion of the Office.³ To ensure consistent results and equal justice under the law, good administrative practice requires the use of uniform standards applicable to all claimants. The Office has adopted the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4th ed. 1993) as an appropriate standard for evaluating schedule losses, and the Board has concurred in such adoption.⁴

¹ On July 9, 1997 the Office of Workers' Compensation Programs accepted appellant's occupational disease claim for an employment-related bilateral wrist strain. The record is unclear whether the Office accepted the condition of carpal tunnel syndrome bilaterally as being work related, although bilateral carpal tunnel release surgery of the right arm was authorized on June 8, 1998. The Office noted that bilateral carpal tunnel release surgery was previously performed on the left arm. On October 15, 1998 the Office issued a decision finding that the medical evidence of file failed to establish that appellant had a ratable dysfunction of her arms bilaterally which would entitle her to a schedule award.

² 5 U.S.C. § 8107.

³ *Danniel C. Goings*, 37 ECAB 781 (1986); *Richard Beggs*, 28 ECAB 387 (1977).

⁴ *James J. Hjort*, 45 ECAB 595 (1994).

In the instant case, the Office in its decision of October 15, 1998 determined that the medical evidence of record failed to establish that appellant had a ratable dysfunction of her arms bilaterally which would entitle her to a schedule award. The record reflects that following appellant's right carpal tunnel release in June 1998, her treating physician, Dr. Kent P. VanBuecken, an orthopedic surgeon, released appellant from care on August 10, 1998 and stated that there was no ratable dysfunction. Accordingly, the Board finds that the medical record is devoid of any ratable impairment of appellant's arms bilaterally causally related to factors of her federal employment.

The decision of the Office of Workers' Compensation Programs dated October 15, 1998 is affirmed.⁵

Dated, Washington, DC
October 4, 2000

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

Valerie D. Evans-Harrell
Alternate Member

⁵ The Board notes that appellant's appeal to the Board was accompanied by new evidence. The Board's jurisdiction on appeal is limited to a review of the evidence which was in the case record before the Office at the time of its final decision; *see* 20 C.F.R. § 501.2(c). Therefore, the Board is precluded from reviewing this evidence. Appellant may resubmit this evidence and legal contentions to the Office accompanied by a request for reconsideration pursuant to 5 U.S.C. § 8128(a).