

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARION GAYMON and U.S. POSTAL SERVICE,
POST OFFICE, Princeton, NJ

*Docket No. 00-2408; Submitted on the Record;
Issued July 10, 2001*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant sustained more than a 17 percent permanent impairment of the left lower extremity for which he received a schedule award.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the Office of Workers' Compensation Programs' hearing representative, dated and finalized April 24, 2000, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.¹

¹ On appeal, appellant asserted that the Office failed to grant him an impairment based upon a combination of impairments from Tables 37 and 39 of the A.M.A., *Guides*. However, impairments based on Tables 37 and 39 cannot be combined under Office procedures for determining lower extremity impairment. See *Mary V. Regiec*, 51 ECAB ____ (Docket No. 99-2055, issued September 6, 2000) (referencing FECA Bulletin No. 96-17, issued September 20, 1996). Appellant also stated that the Office failed to consider loss of range of motion in its impairment determination. However, the impartial medical specialist in this case did not indicate that appellant had any loss of range of motion.

The April 24, 2000 and September 10, 1999 decisions of the Office of Workers' Compensation Programs are affirmed.²

Dated, Washington, DC
July 10, 2001

David S. Gerson
Member

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

² The Board notes that the record contains additional evidence which was not before the Office at the time it issued its April 24, 2000 and September 10, 1999 decisions. The Board has no jurisdiction to review this evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c); *Robert D. Clark*, 48 ECAB 422, 428 (1997).