

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MICHAEL W. HOLLAND and U.S. POSTAL SERVICE,
POST OFFICE, Philadelphia, PA

*Docket No. 01-925; Submitted on the Record;
Issued November 27, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant is entitled to a schedule award related to his accepted right carpal tunnel syndrome.

On September 17, 1991 appellant, then a 40-year-old clerk, filed a claim for an occupational disease for carpal tunnel syndrome. The Office of Workers' Compensation Programs accepted that he sustained bilateral carpal tunnel syndrome and authorized surgery. Appellant underwent carpal tunnel release surgery on his right wrist on January 30, 1992.

On August 3, 1999 appellant filed a claim for a recurrence of his right wrist condition. He did not stop work. In response to an Office inquiry, appellant stated that his recurrence was due to repetitive motion of the right wrist in casing mail and that he filed a claim for a recurrence to obtain medical care.

By decision dated December 10, 1999, the Office found that the evidence failed to establish a recurrence of appellant's condition of the right wrist.

On August 28, 2000 appellant filed a claim for a schedule award. On October 14, 2000 appellant filed a request for reconsideration of the Office's December 10, 1999 decision.

By decision dated January 22, 2001, the Office found that appellant's August 3, 1999 claim did not implicate a recurrence, as it attributed his right wrist condition to a new employment factor of casing mail. The Office then found that electrodiagnostic studies showed that he had continuing carpal tunnel syndrome; the Office found this condition resulted from employment factors. The Office further found that there was no medical evidence to support appellant's entitlement to a schedule award, as the medical evidence did not show appellant had reached maximum medical improvement or that he had a permanent impairment of the right arm.

The Board finds that appellant has not established that he is entitled to a schedule award for his accepted carpal tunnel syndrome.

Appellant has the burden of establishing that an accepted condition resulted in a permanent loss of use of a part of the body listed in the schedule award section of the Federal Employees' Compensation Act.¹ The Office's procedure manual lists the evidence required to support a schedule award: competent medical evidence that shows the impairment has reached a permanent and fixed state, that describes the impairment in sufficient detail for the Office to visualize its character and degree, and that gives a percentage of impairment of the affected member.² As appellant has not submitted any evidence indicating that he has reached maximum medical improvement or describing a permanent impairment of his arm, he has not met his burden of proof.

The decision of the Office of Workers' Compensation Programs dated January 22, 2001 is affirmed with regard to the denial of appellant's claim for a schedule award.

Dated, Washington, DC
November 27, 2001

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

¹ *James E. Jenkins*, 39 ECAB 860 (1988). 5 U.S.C. § 8107 lists the members and functions of the body for which a schedule award can be paid; one of the members is the arm.

² Federal (FECA) Procedure Manual, Part 2 -- Claims, *Schedule Awards and Permanent Disability Claims*, Chapter 2.808.6b (March 1995).