

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of HENRY HALL and U.S. POSTAL SERVICE,
GENERAL MAIL FACILITY, Bellmawr, N.J.

*Docket No. 97-1106; Submitted on the Record;
Issued December 29, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
WILLIE T.C. THOMAS

The issue is whether the Office of Workers' Compensation Programs properly denied appellant's claim for a schedule award.

The Office accepted that appellant sustained a sprain of the right wrist while picking up mail on March 16, 1991. By decision dated July 13, 1995, the Office denied appellant's claim for a schedule award on the basis that the evidence failed to demonstrate a permanent impairment due to residuals of the accepted work injury. This decision was affirmed by an Office hearing representative in a decision dated November 1, 1996.

The Board finds that the case is not in posture for a decision.

With his claim for a schedule award, appellant submitted an October 25, 1993 report from Dr. David Weiss, an osteopath, describing appellant's March 16, 1991 employment injury, diagnosing a tear of the scapholunate ligament, and stating that appellant still had "residuals of his traumatic-induced injury" including pain and weakness of the right wrist. Contrary to the Office's findings in its July 13, 1995 and November 1, 1996 decisions, an Office medical adviser did not conclude that appellant's torn ligament was not causally related to his March 16, 1991 employment injury. Instead, this Office medical adviser stated that the torn ligament was not accepted by the Office on its nonfatal summary sheet. Also contrary to the Office's findings in its decisions, appellant's attending physician, Dr. Elliot L. Ames, an osteopath, did set forth an accurate history of appellant's March 16, 1991 injury and did indicate, by checking a box on an Office form, that appellant's scapholunate ligament injury was causally related to his March 16, 1991 employment injury.

The reports from Drs. Ames and Weiss lack rationale explaining why these doctors believe appellant's torn ligament is related to his March 16, 1991 employment injury and therefore are insufficient to show appellant's entitlement to compensation. However, in light of the absence of any medical evidence negating causal relation, they are sufficient to require the

Office to further develop the claim.¹ The Office should refer appellant to an appropriate medical specialist for a reasoned medical opinion of whether the torn scapholunate ligament shown on a September 5, 1991 arthrogram is causally related to his March 16, 1991 employment injury. If this specialist concludes that such a relationship exists, he or she should evaluate the extent of permanent impairment of appellant's right arm.

The decision of the Office of Workers' Compensation Programs dated November 1, 1996 is set aside and the case remanded to the Office for further action consistent with this decision of the Board.

Dated, Washington, D.C.
December 29, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

¹ *Daniel J. Gury*, 32 ECAB 261 (1980); *Lois J. Kilbourne*, 27 ECAB 97 (1975).