

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LORETTA BOZOSKI, Administratrix for the estate of FRANK K. BOZOSKI
and DEPARTMENT OF THE NAVY, POST OFFICE, Lakehurst, NJ

*Docket No. 99-1723; Submitted on the Record;
Issued January 17, 2001*

DECISION and ORDER

Before DAVID S. GERSON, PRISCILLA ANNE SCHWAB,
VALERIE D. EVANS-HARRELL

The issue is whether the employee is entitled to greater than a 28 percent impairment to the right upper 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 January 29, 1999 decision of the Office of Workers' Compensation Programs, finalized on February 1, 1999, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ The medical opinion of the employee's treating physician, Dr. Gary M. Pess, a Board-certified orthopedic surgeon, did not sufficiently explain his finding of a 48 percent impairment to the employee's right hand in accordance with the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4th ed. 1994) whereas the district medical adviser's finding of a 28 percent impairment to the employee's hand was in accordance with the A.M.A., *Guides* (4th ed. 1994). See *Paul R. Evans*, 44 ECAB 646, 651 (1993); *Arthur E. Anderson*, 43 ECAB 691, 697 (1992).

The decision of Office of Workers' Compensation Programs dated January 29, 1999 is hereby affirmed.

Dated, Washington, DC
January 17, 2001

David S. Gerson
Member

Priscilla Anne Schwab
Alternate Member

Valerie D. Evans-Harrell
Alternate Member