



met the criteria for mild, nor did he explain how appellant's physical findings met the criteria for mild on the right and moderate on the left.

OWCP referred appellant to Dr. Willie E. Thompson, a Board-certified orthopedic surgeon, but he simply adopted Dr. Smith's earlier opinion, which he described as well-reasoned, clear, and succinct. An OWCP medical adviser agreed with Dr. Thompson's conclusion.

The Board finds that OWCP has not complied with the Board's June 25, 2014 decision. The Board remanded the case for further development because neither Dr. Smith nor the OWCP medical adviser explained how appellant met the stated criteria for a class 2 impairment under Table 4-12, page 69 of the A.M.A., *Guides*, nor did they explain how they chose the relevant grade modifiers. As appellant's representative correctly observes, the further development that OWCP undertook did nothing to resolve those issues. Dr. Thompson adopted Dr. Smith's opinion without elaboration or clarification. The Board will therefore set aside OWCP's December 5, 2014 decision and remand the case for further development that will answer the questions the Board raised in its June 25, 2014 decision. Following such development, OWCP shall issue a *de novo* decision on appellant's bilateral lower extremity impairment under Table 4-12 of the A.M.A., *Guides*.

**IT IS HEREBY ORDERED THAT** the December 5, 2014 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further action.

Issued: May 20, 2015  
Washington, DC

Christopher J. Godfrey, Chief Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board