

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PETER TEUBER and DEPARTMENT OF JUSTICE,
OFFICE OF THE INSPECTOR GENERAL, Tucson, Ariz.

*Docket No. 96-1554; Submitted on the Record;
Issued April 14, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs properly denied appellant's claim for a schedule award relating to an accepted cardiovascular condition.

The Office accepted that appellant, then a 48-year-old special agent, sustained a single episode of angina related to a verbal altercation at work on May 6, 1994, which resolved no later than May 23, 1994.

In a December 7, 1995 letter, the Office advised appellant that he "may be entitled to compensation for periods of injury-related disability" and if he had entered or contemplated a period of leave without pay, he should "immediately file a Form CA-7, Claim for Compensation on Account of Traumatic Injury or Occupational Disease."

On December 20, 1995 appellant filed a Form CA-7 claiming compensation from May 9 to June 3, 1994. He also checked a box "yes" in response to Question 5, indicating that he claimed a schedule award.¹

By March 11, 1996 decision, the Office denied appellant's schedule award claim on the grounds that the heart was not a scheduled member under section 8107 of the Federal Employees' Compensation Act² The Office noted that the Act did not provide for "payment for any loss of coronary function" or for "permanent partial or total loss of the use of the heart."

The Board finds that the Office properly denied appellant's schedule award claim on the grounds that the heart is not a covered member under section 8107 of the Act.

¹ He submitted a January 8, 1996 form report from Dr. P. Dennis Citron, an attending Board-certified cardiologist, relating to the claimed period of disability.

² 5 U.S.C. § 8107.

Under section 8107 of the Act³ and section 10.304 of the implementing regulations,⁴ schedule awards are payable for permanent impairment of specified body members, functions or organs. However, the heart and coronary artery functioning are not specified under the Act's schedule award provision or its implementing regulations. Therefore, the Office properly denied appellant's schedule award claim.⁵

The decision of the Office of Workers' Compensation Programs dated March 11, 1996 is hereby affirmed.

Dated, Washington, D.C.
April 14, 1998

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

³ *Id.*

⁴ 20 C.F.R. § 10.304.

⁵ The Board notes that the Office's March 11, 1996 decision did not adjudicate appellant's Form CA-7 a work-related disability. For this reason it is not an issue on this appeal to the Board. *See* 20 C.F.R. § 501.2(c).