

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of EARL P. SHANNON and U.S. POSTAL SERVICE,
POST OFFICE, Dallas, Tex.

*Docket No. 96-1388; Submitted on the Record;
Issued August 19, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether the Office of Worker's Compensation Program properly found that appellant was entitled to an additional seven percent schedule award for his left lower extremity.

The Board has reviewed the case record and concludes that the Office properly found that appellant was entitled to an additional seven percent schedule award for his left lower extremity.

In the present case, the Office accepted that appellant sustained a left knee sprain when he slipped in mud while in the performance of duty on May 1, 1989. On July 20, 1990 the Office granted appellant a schedule award for an 18 percent permanent impairment to the left lower extremity as a result of the May 1, 1989 injury. On May 26, 1995 appellant requested an additional schedule award.¹

The Office subsequently referred appellant to Dr. William Blair, a Board-certified orthopedic specialist, for an impairment evaluation and examination. On October 26, 1995 Dr. Blair provided descriptions of appellant's left knee impairment. Dr. Blair found that appellant's flexion on his left knee was 105 degrees as compared to 120 degrees on his right knee. He further indicated that appellant had a partial meniscectomy of the medial and lateral meniscus. Finally, he found that there was evidence of chondroplasty of the patella with some residual instability.

¹ Appellant filed a notice of recurrence of disability indicating that he reinjured his left knee and that this injury caused him to injured his back. There is no evidence of record establishing that this claim was accepted. Moreover, schedule awards are not payable for injuries to nonschedule members of the body such as the back; *see George E. Williams*, 44 ECAB 530 (1993).

The schedule award provision of the Federal Employees' Compensation Act² and its implementing regulations,³ set forth that schedule awards are payable for permanent impairment of specified body members, functions, or organs. However, neither the Act nor the regulations specify the manner in which the percentage of impairment is to be determined. For consistent results and to ensure equal justice for all claimants, the Office has adopted the American Medical Association, *Guides to the Evaluation of Permanent Impairment* as a standard for determining the percentage of impairment.⁴

Following receipt of Dr. Blair's report, the Office requested that the Office medical adviser apply the A.M.A., *Guides* to the measurements of impairment provided by Dr. Blair. The Office medical adviser evaluated appellant's impairment in a report dated February 2, 1996. The Office medical adviser stated that pursuant to the A.M.A., *Guides* (4th edition) appellant's range of motion for flexion of 105 degrees for the left knee would be graded as a 10 percent impairment of the lower extremity pursuant to Table 41, page 78. He also stated that appellant's partial medial and lateral meniscectomies would be graded as a 10 percent impairment of the lower extremity pursuant to Table 64, page 85. The Office medical adviser noted that appellant's residual patellar instability would be graded as 7 percent impairment pursuant to Table 64, page 85. The medical adviser concluded that pursuant to Combined Loss Table of the A.M.A., *Guides*, the combined loss of a 10 percent impairment for range of motion, a 10 percent impairment for partial and medial meniscectomies, and a 7 percent impairment for residual patellar instability equaled a total impairment of the left lower extremity of 25 percent.

As the Office medical adviser properly utilized the description of appellant's impairment provided by Dr. Blair and the A.M.A., *Guides* to evaluate appellant's impairment, and there is no other medical evidence of record that appellant has more than a 25 percent impairment of the left lower extremity, the Office properly found that appellant had a 25 percent impairment of the left lower extremity. Because appellant previously received a schedule award of 18 percent for the left lower extremity, the Office properly found that appellant was entitled to an additional 7 percent schedule award.

² 5 U.S.C. § 8107.

³ 20 C.F.R. § 10.304.

⁴ *Leisa D. Vassar*, 40 ECAB 1287 (1989).

The decision of the Office of Workers' Compensation Programs dated March 14, 1996 is affirmed.

Dated, Washington, D.C.
August 19, 1998

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member