

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of GERRY J. BONAFIGLIA and U.S. POSTAL SERVICE,  
POST OFFICE, Providence, R.I.

*Docket No. 97-765; Submitted on the Record;  
Issued December 24, 1998*

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DECISION and ORDER

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

The issue is whether appellant has more than 15 percent permanent impairment of his left upper extremity for which he received a schedule award.

The Board has duly reviewed the case on appeal and finds that appellant has a 17 percent permanent impairment of his left upper extremity.

Appellant filed a claim on November 6, 1989 alleging that he sprained his left wrist in the performance of duty. The Office of Workers' Compensation Programs accepted appellant's claim for avulsion fracture of the left wrist on January 22, 1990. The Office authorized corrective surgeries which occurred on February 8, 1990, September 21, 1993 and August 9, 1994. Appellant requested a schedule award on July 6, 1995. By decision dated December 12, 1995, the Office granted appellant a schedule award for 15 percent permanent impairment of his left upper extremity. Appellant requested an oral hearing and by decision dated November 15, 1996, the hearing representative affirmed the Office's December 12, 1995 decision.

Section 8107 of the Federal Employees' Compensation Act<sup>1</sup> provides that, if there is a permanent disability involving the loss or loss of use of a member or function of the body, the claimant is entitled to a schedule award for the permanent impairment of the scheduled member or function. Neither the Act nor the regulations specify the manner in which the percentage of impairment for a schedule award shall be determined. For consistent results and to ensure equal justice for all claimants the Office has adopted the American Medical Association, *Guides to the*

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<sup>1</sup> 5 U.S.C. §§ 8101-8193, 8107.

*Evaluation of Permanent Impairment*<sup>2</sup> as a standard for evaluating schedule losses and the Board has concurred in such adoption.<sup>3</sup>

In support of his claim for a schedule award, appellant submitted a report dated February 14, 1995 from Dr. Lee Edstrom, a Board-certified plastic surgeon. Dr. Edstrom provided range of motion figures for appellant's left wrist and concluded that appellant had 20 percent impairment of his left upper extremity.

The District Medical Director applied the A.M.A., *Guides* to the range of motion provided by Dr. Edstrom and properly concluded that 10 degrees of radial deviation was a 2 percent impairment and that 10 degrees of ulnar deviation was 4 percent impairment.<sup>4</sup> He found that 45 degrees of dorsiflexion and 45 degrees of palmar flexion were each 3 percent impairment.<sup>5</sup> The District Medical Director added these impairments to reach 12 percent impairment due to loss of range of motion.<sup>6</sup> He then determined appellant's impairment due to pain which interfered with activities was six percent.<sup>7</sup> The District Medical Director then combined the impairment ratings. However, the District Medical Director improperly calculated a 15 percent permanent impairment of appellant's left upper extremity rather than 17 as provided by the combined value chart.<sup>8</sup>

At his oral hearing, appellant submitted reports dated May 29, 1996 from Dr. Hillel D. Skoff, a Board-certified orthopedic surgeon. Dr. Skoff listed appellant's range of motion as radial deviation of 5 degrees, ulnar deviation of 30 degrees, dorsiflexion of 50 degrees and palmar flexion of 55 degrees. In accordance with the A.M.A., *Guides*, these measurements provide for eight percent impairment of appellant's upper left extremity due to loss of range of motion.<sup>9</sup> Dr. Skoff indicated that appellant had six percent impairment due to pain with usage.<sup>10</sup> Utilizing the combine value chart, Dr. Skoff concluded appellant has 14 percent impairment of his left upper extremity.

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<sup>2</sup> A.M.A., *Guides* (4th ed. 1993).

<sup>3</sup> A. George Lampo, 45 ECAB 441, 443 (1994).

<sup>4</sup> A.M.A., *Guides*, 38, figure 29.

<sup>5</sup> A.M.A., *Guides*, 36, figure 26.

<sup>6</sup> A.M.A., *Guides*, 38.

<sup>7</sup> A.M.A., *Guides*, 54, Table 15, 48, Table 11.

<sup>8</sup> A.M.A., *Guides*, 322.

<sup>9</sup> A.M.A., *Guides*, 38, figure 29, 36, figure 26.

<sup>10</sup> Dr. Skoff provided figures for pronation and supination. However, the A.M.A., *Guides* provide that these measurements relate to impairment to the elbow rather than the wrist. A.M.A., *Guides*, 38. As appellant has not submitted any evidence regarding permanent impairment to his elbow, the Office properly excluded these measurements in calculating his schedule award.

The medical evidence from the Office medical adviser establishes a 17 percent permanent impairment of appellant's left upper extremity. The Board finds that the Office's decision should be modified to find entitlement to a 17 percent schedule award.

The decision of the Office of Workers' Compensation Programs dated November 15, 1996 and December 12, 1995 are hereby affirmed, as modified.

Dated, Washington, D.C.  
December 24, 1998

Michael J. Walsh  
Chairman

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member