

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MAGDALENE ANDERSON and U.S. POSTAL SERVICE,
POST OFFICE, Minneapolis, Minn.

*Docket No. 96-1110; Submitted on the Record;
Issued October 27, 1998*

DECISION and ORDER

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

The issue is whether appellant has more than a five percent permanent impairment in each upper extremity for which she received a schedule award.

The Board has reviewed the case record and finds that appellant has no more than a five percent permanent impairment in each upper extremity.

In the present case, the Office of Workers' Compensation Programs accepted that appellant sustained bilateral carpal tunnel syndrome, left arm tendinitis and a peptic ulcer in the course of her federal employment. The Office subsequently granted appellant a schedule award for a five percent impairment to each upper extremity.

In support of her request for an additional schedule award, the Office received a February 17, 1995 report from Dr. Michael D. Bromer, appellant's treating physician and a Board-certified neurologist. Dr. Bromer indicated that appellant had a 60 degree dorsiflexion range of motion in each wrist, a 60 degree palmar flexion range of motion in each wrist, a 20 degree radial deviation in each wrist and a 30 degree ulnar deviation in each wrist. He stated that there was no ankylosis, no weakness or atrophy of the upper extremity, and no additional factors of disability. Dr. Bromer noted bilateral tenderness over the medial and lateral epicondyles. He concluded, however, that appellant had a zero percent impairment pursuant to the American Medical Association, *Guides to the Evaluation of Permanent Impairment* based on his findings of normal range of motion, no loss of muscle function, and no atrophy.

On March 9, 1995 Dr. Raymond Drew, a Board-certified surgeon, indicated that appellant suffered additional disability due to a 98 percent subtotal distal gastrectomy which resulted from appellant's work-related peptic ulcer.

On August 30, 1995 Dr. Bromer treated appellant for left arm soreness. He stated that he did not know the cause of the pain.

On October 13, 1995 Dr. Matthew Monsein, a specialist in emergency medicine, diagnosed chronic myofascial pain, a history of depression and chronic pain syndrome. He stated that appellant's continued work would not cause further harm.

The schedule award provision of the Federal Employees' Compensation Act¹ and its implementing regulations², 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 A.M.A., *Guides* as a standard for determining the percentage of impairment.³

In obtaining medical evidence for schedule award purposes, the Office must obtain an evaluation by an attending physician which includes a detailed description of the impairment including, where applicable, the loss in degrees of motion of the affected member or function, the amount of any atrophy or deformity, decreases in strength or disturbance of sensation, or other pertinent description of the impairment. The description must be in sufficient detail so that the claims examiner and others reviewing the file will be able to clearly visualize the impairment with its resulting restrictions and limitations.⁴ If the attending physician has provided a detailed description of the impairment, but has not properly evaluated the impairment pursuant to the A.M.A., *Guides*, the Office may request that the Office medical adviser review the case record and determine the degree of appellant's impairment utilizing the description provided by the attending physician and the A.M.A., *Guides*.⁵

Consequently, following the receipt of Dr. Bromer's detailed February 17, 1995 report, the Office requested that an Office medical adviser review Dr. Bromer's report and apply the A.M.A., *Guides* to the measurements provided by appellant's treating physician. The Office medical adviser thereafter evaluated appellant's impairment in a report dated August 26, 1995. Pursuant to figure 26, page 36, and figure 28, page 37, of the A.M.A., *Guides*, the Office medical adviser properly found that Dr. Bromer's findings of a 60 degree dorsiflexion range of motion in each wrist, a 60 degree palmar flexion range of motion in each wrist, a 20 degree radial deviation in each wrist, and a 30 degree ulnar deviation in each wrist, failed to demonstrate any impairment based on loss of range on motion. Moreover, the Office medical adviser noted that Dr. Bromer failed to indicate any atrophy, weakness or sensation deficits in appellant's wrists that would establish additional impairment. Accordingly, because Dr. Bromer found normal range of motion in appellant's wrists, the Office medical adviser properly found that there was no evidence in which to increase the prior schedule award.

¹ 5 U.S.C. § 8107.

² 20 C.F.R. § 10.304.

³ *Leisa D. Vassar*, 40 ECAB 1287 (1989).

⁴ *Joseph D. Lee*, 42 ECAB 172 (1990).

⁵ *Paul R. Evans, Jr.*, 44 ECAB 646 (1993).

As the medical adviser properly utilized the descriptions of appellant's impairments provided by Dr. Bromer 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 five percent impairment of each upper extremity, the Office properly denied appellant an additional schedule award for each upper extremity. Moreover, the Office properly denied appellant a schedule award for his peptic ulcer problems because no schedule award is payable for an impairment to appellant's stomach as the stomach is not specified as a compensable organ in the Act or in the implementing federal regulations.⁶

The decision of the Office of Workers' Compensation Programs dated November 17, 1995 is affirmed.

Dated, Washington, D.C.
October 27, 1998

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

⁶ 5 U.S.C. § 8107(c); 20 C.F.R. § 10.304; *George E. Williams*, 44 ECAB 530 (1993).