

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of LORETTA M. SHIDELER and DEPARTMENT OF THE NAVY,  
MARINE CORPS BASE, Camp Pendleton, Calif.

*Docket No. 96-1942; Submitted on the Record;  
Issued October 14, 1998*

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DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,  
A. PETER KANJORSKI

The issue is whether appellant is entitled to receive a schedule award for an accepted psychiatric condition.

On May 9, 1990 appellant, then a 53-year-old lead computer assistant, filed a notice of occupational disease claiming that she sustained a stress disorder in the performance of duty secondary to being treated for carpal tunnel syndrome.<sup>1</sup> The Office accepted appellant's claim for a major depressive disorder, single episode. The record indicates that appellant was paid compensation for temporary total disability for the period May 10 to 18, 1990, and appropriate medical benefits. Appellant returned to work effective May 22, 1990.

On February 23, 1995 appellant filed a Form CA-7, claim for compensation on account of traumatic injury or occupational disease, claiming a schedule award.

By decision dated March 29, 1996, the Office denied appellant's February 23, 1995 schedule award claim. The Office found that the Federal Employees' Compensation Act contained "no provision for an award of compensation for a psychiatric condition, nor for the brain or head." Thus, the Office found that the evidence of record did not establish that the claimed schedule award was for permanent impairment of a scheduled body member as determined in 5 U.S.C. § 8107(c).

In an April 17, 1996 letter, appellant requested reconsideration of the Office's March 29, 1996 decision. She submitted medical notes from her sessions with her psychologist ranging from April 1994 to November 1995. She also requested the Office to obtain medical evidence from Kaiser Clinic, if required.

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<sup>1</sup> The record contains a claim for bilateral carpal tunnel syndrome and bilateral epicondylitis, Office of Workers' Compensation Programs File Number 92068-13-897254.

By decision dated May 21, 1996, the Office denied reconsideration on the grounds that the evidence submitted in support thereof was irrelevant to the schedule award claim and therefore insufficient to warrant a merit review. The Office noted that the evidence submitted in support of the request for reconsideration was insufficient to review the March 29, 1996 decision as there is no schedule award entitlement for a psychological claim.

The Board finds that appellant is not entitled to receive a schedule award for an accepted psychiatric condition.

Under section 8107 of the Act<sup>2</sup> and section 10.304 of the implementing regulations,<sup>3</sup> schedule awards are payable for permanent impairment of specified body members, functions or organs. However, there is no provision under the Act or its implementing regulations entitling a claimant to a schedule award for an accepted psychiatric condition. In this case, the Office accepted that appellant sustained major depression causally related to factors of her federal employment. The Office has not accepted that appellant sustained any of the impairments enumerated under the schedule award provisions of the Act. Therefore, appellant is not entitled to a schedule award for her accepted psychiatric condition.

The decisions of the Office of Workers' Compensation Programs dated May 21 and March 29, 1996 are hereby affirmed.

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

Willie T.C. Thomas  
Alternate Member

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>2</sup> 5 U.S.C. § 8107.

<sup>3</sup> 20 C.F.R. § 10.304.