

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ROBERT RODRIGUEZ and DEPARTMENT OF VETERANS AFFAIRS,
MEDICAL CENTER, North Chicago, IL

*Docket No. 98-1078; Submitted on the Record;
Issued November 19, 1999*

DECISION and ORDER

Before GEORGE E. RIVERS, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof in establishing that he sustained greater than a 12 percent permanent impairment of his left lower extremity, for which he received a schedule award.

The Board has given careful consideration to the issue involved, the contentions of appellant on appeal and the entire case record. The Board finds that the November 21, 1997 decision of the hearing representative of the Office of Workers' Compensation Programs, finalized on that date, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ See *Robert S. Winchester*, 45 ECAB 135 (1993). Following the hearing representative's decision of November 21, 1997, additional evidence was submitted to the record which the Board may not review of the first time on appeal; see 20 C.F.R. § 501.2(c).

The decision of the Office of Workers' Compensation Programs dated November 21, 1997 is hereby affirmed.

Dated, Washington, D.C.
November 19, 1999

George E. Rivers
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member