

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ANITA A. ALEXANDER and U.S. POSTAL SERVICE,
POST OFFICE, Chester, PA

*Docket No. 98-386; Submitted on the Record;
Issued September 15, 1999*

DECISION and ORDER

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

The issue is whether appellant is entitled to a schedule award for permanent impairment of the right second finger.

The Board has duly reviewed the evidence contained in the case record and finds that appellant is not entitled to a schedule award.

On August 10, 1996 appellant, then a 38-year-old postal distributor, filed an occupational disease claim, alleging that her right hand swelling was caused by factors of employment. She stopped work on October 2, 1996 and returned to limited duty on November 21, 1996.¹ By letter dated November 12, 1996, the Office of Workers' Compensation Programs accepted that she sustained exacerbation of symptoms of preexisting monoarthritis of the right second metacarpophalangeal joint, for which she received appropriate compensation. On April 23, 1997 she filed a claim for a schedule award. By letter dated July 1, 1997, the Office referred appellant, along with the statement of accepted facts and a set of questions, to Dr. Stanley R. Askin, a Board-certified orthopedic surgeon, to evaluate the degree of impairment of her right upper extremity. By decision dated September 26, 1996, the Office found that appellant was not entitled to a schedule award. The instant appeal follows.

The relevant medical evidence includes an October 15, 1996 report from appellant's treating Board-certified rheumatologist, Dr. Kenneth H. Wolfe, who diagnosed inflammatory monoarthritis of the right second metacarpophalangeal joint. He opined that the underlying condition was not employment related but was exacerbated by employment factors. In an August 14, 1997 report, Dr. Askin concurred with Dr. Wolfe's diagnosis. He advised that appellant had no loss of range of motion, instability or motor or sensory impairment and opined that she had an underlying condition that was not causally related to employment.

¹ The record indicates that from August 14 to December 1, 1996 appellant worked as a cashier and greeter at a retail establishment, Caldor, for 16 to 24 hours per week.

Under section 8107 of the Federal Employees' Compensation Act² and section 10.304 of the implementing federal regulations,³ schedule awards are payable for employment-related permanent impairment of specified body members, functions or organs. In this case, however, the medical evidence of record fails to establish that appellant has an employment-related permanent impairment of her right second finger. Dr. Askin advised that appellant had no impairment at the time of his examination. Thus, there is no medical evidence establishing that appellant is entitled to a schedule award.

The decision of the Office of Workers' Compensation Programs dated September 26, 1997 is hereby affirmed.

Dated, Washington, D.C.
September 15, 1999

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

² 5 U.S.C. § 8107.

³ 20 C.F.R. § 10.304.