

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHARLES W. HANES and DEPARTMENT OF THE NAVY,
NAVAL SURFACE WARFARE CENTER, Philadelphia, PA

*Docket No. 98-588; Submitted on the Record;
Issued September 23, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant had more than a 50 percent permanent impairment of the right index finger.

On February 28, 1997 appellant, then a 52-year-old engineering technician, was helping to install a mast antenna in the antenna cycle test stand. He placed wood chocks under the mast clamp but the wood chocks were crushed when the full load of the antenna was placed on them, causing a traumatic amputation of the tip of his right index finger. In a March 3, 1997 report, Dr. James Raphael, an orthopedic surgeon specializing in hand surgery, indicated that appellant lost 75 percent of the nail bed. He underwent surgery for revision and closure of the amputation. In an October 10, 1997 decision, the Office of Workers' Compensation Programs issued a schedule award for a 50 percent loss of the right index finger.

The Board finds that the Office properly determined that appellant was entitled to a schedule award for a 50 percent permanent impairment of the right index finger.

The schedule award provision of the Federal Employees' Compensation Act¹ and its implementing regulation² set forth the number of weeks of compensation to be paid for permanent loss, or loss of use, of members or functions of the body listed in the schedule. However, neither the Act nor its regulations specify the manner in which the percentage loss of a member shall be determined. For consistent results and to ensure equal justice to all claimants, the Board has authorized the use of a single set of tables in evaluating schedule losses, so that there may be uniform standards applicable to all claimants seeking schedule awards. The American Medical Association, *Guides to the Evaluation of Permanent Impairment* (fourth

¹ 5 U.S.C. § 8107(c).

² 20 C.F.R. § 10.304.

edition 1993), has been adopted by the Office as a standard for evaluating schedule losses and the Board has concurred in such adoption.³

In a June 10, 1997 report, Dr. Raphael indicated that appellant had a 40 percent permanent impairment of the right index finger under the A.M.A., *Guides*.⁴ He had previously indicated that appellant has lost 75 percent of the nail bed of the right index finger. The Office procedures provide that if less than half of a phalanx of a finger is amputated, an employee receives a schedule award for a 50 percent permanent impairment of the phalanx or a 25 percent permanent impairment of the finger. If more than half of the phalanx is amputated, an employee receives a schedule award for a total loss of the phalanx or 50 percent of the finger.⁵ The Office medical adviser, on the basis of Dr. Raphael's report, concluded that appellant was entitled to 50 percent permanent impairment of the finger. There is no other medical evidence of record that shows appellant is entitled to a greater award.

The decision of the Office of Workers' Compensation Programs, dated October 10, 1997, is hereby affirmed.

Dated, Washington, D.C.
September 23, 1999

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

³ *Thomas P. Gauthier*, 34 ECAB 1060, 1063 (1983).

⁴ A.M.A., *Guides*, p. 30, Figure 17.

⁵ Federal (FECA) Procedure Manual, Part 3 -- Medical, *Schedule Awards*, Chapter 3.700.4(a)(1) (October 1990).