

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHARLES E. GRAY and DEPARTMENT OF THE ARMY,
ARMY DEPOT, Anniston, AL

*Docket No. 99-1335; Submitted on the Record;
Issued August 11, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant has more than a two percent permanent impairment in his left hand for which he received a schedule award.

The Board has duly reviewed the case record and concludes that the Office of Workers' Compensation Programs properly found that appellant established only a two percent permanent impairment in his left hand for which he received a schedule award.

On July 8, 1998 appellant, then a 47-year-old heavy mobile equipment repairer, filed a notice of traumatic injury alleging that he fractured his left thumb, punctured his right thumb and lacerated his left index finger in the course of his federal employment. The Office accepted the claim for a left thumb fracture and a right thumb laceration. On February 18, 1999 appellant received a schedule award of a two percent impairment to the left hand, covering the period October 13 through November 16, 1998.

On October 13, 1998 Dr. John R. Payne, appellant's treating physician and a Board-certified orthopedic surgeon, indicated that appellant had a 40 degree motion of the left metacarpophalangeal (MP) joint, which resulted in a 2 percent impairment of the left thumb. Dr. Payne also found that there was 50 degrees motion of the left interphalangeal (IP) joint, which also resulted in a 2 percent permanent impairment of the left thumb. He concluded that these impairment findings equaled a four percent impairment of appellant's left thumb, or a two percent impairment of appellant's left hand.

The schedule award provision of the Federal Employees' Compensation Act¹ and its implementing regulations,² set forth that schedule awards are payable for permanent impairment

¹ 5 U.S.C. § 8107.

² 20 C.F.R. § 10.304.

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 American Medical Association, *Guides to the Evaluation of Permanent Impairment* 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 descriptions 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

Following the receipt of Dr. Payne's report, the Office requested that its medical adviser apply the A.M.A., *Guides* (4th ed.), to the measurements of impairment provided by Dr. Payne. The Office medical adviser thereafter evaluated appellant's impairment in a report dated February 9, 1999. The Office medical adviser properly noted that Dr. Payne's finding of a 40 degree motion in the MP joint of the left thumb resulted in a 2 percent impairment pursuant to Figure 13, page 27 of the A.M.A., *Guides*. The medical adviser also properly indicated that Dr. Payne's finding of a 50 degree motion in the IP joint of the left thumb resulted in a 2 percent impairment pursuant to Figure 10, page 26 of the A.M.A., *Guides*. The medical adviser then utilized the Combined Values Chart, page 22, to determine that appellant had a four percent impairment of the left thumb. Finally, the medical adviser properly indicated that a four percent impairment of the left thumb equaled a two percent impairment of the left hand pursuant to Table 1, page 18 of the A.M.A., *Guides*.

As the Office medical adviser properly utilized the description of appellant's impairment provided by Dr. Payne and the A.M.A., *Guides* to evaluate appellant's impairment and there is no other evidence of record that appellant has more than a two percent impairment of the left upper extremity, the Office properly found that appellant had a two percent impairment of the left upper extremity.⁶

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).

⁶ Upon return of the case record to the Office, it should adjudicate appellant's entitlement to a schedule award for his right upper extremity inasmuch as the Office accepted that appellant sustained an injury to his right upper extremity and appellant's treating physician rendered clinical findings relevant to that injury.

The decision of the Office of Workers' Compensation Programs dated February 18, 1999 is affirmed.

Dated, Washington, D.C.
August 11, 2000

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member