

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of KAREN K. STAMPER and U.S. POSTAL SERVICE,
GENERAL MAIL FACILITY, Denver, CO

*Docket No. 98-2154; Submitted on the Record;
Issued February 17, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant has more than a two percent permanent impairment of the right arm, for which she received a schedule award.

On May 12, 1997 appellant, then a 38-year-old clerk, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that she sustained injuries to both shoulders as a result of extreme overhead lifting and the repetitive use of both arms in performing her job duties. The Office of Workers' Compensation Programs accepted the claim for bilateral shoulder impingement syndrome and authorized surgery for bilateral OS acromial excision. Additionally, on May 18, 1998 appellant received a schedule award for a two percent loss of use of her right arm. The award covered a period of 6.24 weeks from March 16 to April 25, 1998.

The Board has duly reviewed the case on appeal and finds that it is not in posture for a decision.

Section 8107 of the Federal Employees' Compensation Act¹ sets forth the number of weeks of compensation to be paid for the permanent loss of use of specified members, functions and organs of the body. The Act, however, does not specify the manner by which the percentage loss of a member, function or organ shall be determined. To ensure consistent results and equal justice under the law, good administrative practice requires the use of uniform standards applicable to all claimants. The Office has adopted the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4th ed. 1993) as an appropriate standard for evaluating schedule losses, and the Board has concurred in such adoption.²

¹ 5 U.S.C. § 8107.

² *James J. Hjort*, 45 ECAB 595 (1994).

In order to meet her burden, appellant must submit sufficient medical evidence to show a permanent impairment causally related to employment that is ratable under the A.M.A., *Guides*. Under the procedures promulgated by the Office, the evidence must show that the impairment has reached a permanent and fixed state and indicate the date this occurred, describe the impairment in detail, and contain an evaluation of the impairment under the A.M.A., *Guides*.³

In the instant case, the May 18, 1998 schedule award was based on the April 23, 1998 report of the Office medical adviser who reviewed the March 16 and April 15, 1998 findings of Dr. J. Scott Bainbridge who determined that appellant had a two percent impairment in both her right and left upper extremities. While the Office medical adviser's determination of a two percent impairment of appellant's right arm was consistent with Dr. Bainbridge's findings, the Office medical adviser failed to address the doctor's findings with respect to appellant's left upper extremity. Additionally, the record contains an April 14, 1998 report from appellant's treating physician, Dr. Francis K. Yamamoto, which was received by the Office on May 1, 1998. Dr. Yamamoto found that appellant had an 11 percent impairment of her right upper extremity as well as a 12 percent impairment of her left upper extremity. These findings were not considered by the Office when rendering its May 18, 1998 schedule award.

In view of the Office's failure to address all of the relevant medical evidence available at the time it issued its decision on May 18, 1998, the Board will remand the case to the Office for such further development and consideration of the evidence as may be necessary and for an appropriate final decision.⁴

³ Federal (FECA) Procedure Manual, Part 2 -- *Claims, Schedule Awards and Permanent Disability Claims*, Chapter 2.808.6 (March 1995).

⁴ *See William A. Couch*, 41 ECAB 548, 553 (1990) (the Board held that it is crucial that all relevant evidence which was properly submitted to the Office prior to the time of issuance of its final decision be addressed by the Office).

The decision of the Office of Workers' Compensation Programs dated May 18, 1998 is, hereby, set aside and the case remanded for further action consistent with this opinion.

Dated, Washington, D.C.
February 17, 2000

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member