

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WILLIAM SHAFFER and DEPARTMENT OF THE NAVY,
NAVAL WEAPON STATION EARLE, Colts Neck, NJ

*Docket No. 98-1619; Submitted on the Record;
Issued January 28, 2000*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has greater than a six percent permanent loss of use of each leg.

The Board has given careful consideration to the issues involved, the contentions of appellant on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office of Workers' Compensation Programs dated and made final on January 26, 1998 is in accordance with the facts and the law in this case, and hereby adopts the findings and conclusions of the Office hearing representative.¹

¹ Contrary to the assertion of appellant's attorney on appeal, the impartial specialist did not report right thigh atrophy, but instead noted that the right thigh was one centimeter larger than the left. Although the impartial specialist indicated his calculation of a six percent impairment was a whole person impairment, this in actuality was a correct calculation of the permanent impairment of each leg.

The decision of the Office of Workers' Compensation Programs dated January 26, 1998 is affirmed.

Dated, Washington, D.C.
January 28, 2000

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member