

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOYLYNN DUNAJ and DEPARTMENT OF THE AIR FORCE,
HILL AIR FORCE BASE, Ogden, UT

*Docket No. 99-1618; Submitted on the Record;
Issued July 6, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant has more than a six percent permanent impairment of the left thumb and a seven percent permanent impairment of the right thumb.

On February 7, 1997 appellant, then a 46-year-old medical technician secretary, filed a claim for pain in her thumbs and hands. She stated that, whenever she performed a considerable amount of filing and typing, her thumbs would turn blue-purple in color and sharp pains would shoot through her hands. In an April 21, 1997 report, Dr. James W. Adams, a Board-certified orthopedic surgeon, stated that appellant's job contributed to and aggravated an osteoarthritic condition of the basilar joint of her thumb which had not responded to treatment. On August 15, 1997 appellant underwent surgery for ligament reconstruction and tendon interposition arthroplasty in the right thumb. On January 30, 1998 appellant underwent similar surgery on the left thumb. The Office of Workers' Compensation Programs accepted appellant's claim for aggravation of arthritis of the thumbs and paid temporary total disability compensation for the periods appellant did not work due to her employment-related condition and authorized operations.

On February 10, 1999 appellant filed a claim for a schedule award. In an April 8, 1999 decision, the Office issued a schedule award for a seven percent permanent impairment of the right thumb and a six percent permanent impairment of the left thumb.

The Board finds that appellant has a seven percent permanent impairment of the right thumb and a six percent permanent impairment of the left thumb.

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.

¹ 5 U.S.C. § 8107(c).

² 20 C.F.R. § 10.304.

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*³ has been adopted by the Office as a standard for evaluating schedule losses and the Board has concurred in such adoption.⁴

Dr. Adams referred appellant to an orthopedic clinic for evaluation. In a January 4, 1999 report, the clinic indicated that appellant's left thumb had 73 degrees of flexion in the interphalangeal joint which equaled a 1 percent permanent impairment, and a thumb opposition-retained of 5 centimeters which equaled a 5 percent permanent impairment of the thumb. Appellant also had 12 degrees of extension and 66 degrees of flexion in the metacarpal phalangeal joint of the left thumb and 9 degrees of extension in the interphalangeal joint of the left thumb. It was noted that appellant had no loss of sensation in the thumb and possessed a full range of motion against gravity with full resistance. The metacarpal joint of the right thumb had 70 degrees of flexion which equaled a 1 percent permanent impairment, -7 degrees of extension which equaled a 1 percent permanent impairment. The interphalangeal joint had 6 degrees of extension and 70 degrees of flexion. The right thumb also had opposition-retained of 5 centimeters which equaled a 5 percent permanent impairment of the thumb. There was no loss of sensation in the thumb and the left thumb also had a full range of motion against gravity with resistance. An Office medical adviser reviewed the reports and concluded that appellant had maximum medical improvement as of January 4, 1999, the date of the report. He concluded that appellant had a seven percent permanent impairment of the right thumb and a six percent permanent impairment of the left thumb, based on the reports from the orthopedic clinic and a proper application of the A.M.A., *Guides*. A review of the medical evidence shows that the A.M.A., *Guides* were properly applied to determine that appellant had a seven percent permanent impairment of the right thumb and a six percent permanent impairment of the left thumb.⁵

³ (4th ed. 1993).

⁴ *Thomas P. Gauthier*, 34 ECAB 1060, 1063 (1983).

⁵ On appeal, appellant indicated that she did not object to the percentages of the schedule award but expressed confusion on how the period of weeks of compensation was calculated. Under section 8107(c) of the Federal Employees' Compensation Act, members of the body are assigned a number for weeks representing the weeks of compensation to be paid total or 100 percent permanent impairment of that particular part of the body. The number of weeks for the thumb, for example, is 75 weeks. The percent of the schedule award given to a claimant is multiplied by the number of weeks assigned by the Act to calculate the number of weeks of compensation given to the claimant for permanent impairment of the member of the body selected. For example, a 7 percent permanent impairment of the thumb would equal compensation to be paid for 5.25 weeks (75 weeks x .07). Payment of a schedule award begins to run on the date determined to be the date of maximum medical improvement, which is the date selected, on the basis of the medical evidence of record, at which it is determined that physical condition of the injured member has stabilized and will not improve further; see *Joseph R. Waples*, 44 ECAB 936 (1993).

The decision of the Office of Workers' Compensation Programs, dated April 8, 1999, is hereby affirmed.

Dated, Washington, D.C.
July 6, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member