

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMES MARKGRAF and DEPARTMENT OF THE NAVY,
NAVAL SHIPYARD, Philadelphia, PA

*Docket No. 99-934; Submitted on the Record;
Issued June 19, 2000*

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant has greater than a 13 percent impairment of the right upper extremity for which he received a schedule award.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the Office of Workers' Compensation Programs' hearing representative, dated and finalized on November 5, 1998, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ The Board notes that the Office did not err in having the medical report of the impartial medical examiner reviewed by an Office medical adviser for rating of appellant's impairment. The Board notes that Dr. Caplan reported distal interphalangeal (DIP), proximal interphalangeal (PIP) and metacarpophalangeal (MCP) impairment percentages as 3, 6 and 3 respectively for an 11 percent while the Office medical adviser reviewed Dr. Caplan's report and noted DIP, PIP and MCP impairment percentages of 5, 6 and 6 respectively or 17 percent impairment of the finger. The Board finds that the Office medical adviser's calculation is correct in view of the requirement under the fourth edition of the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (A.M.A., *Guides*) which require that measurements of flexion of the DIP, PIP and MCP joints be rounded off to the nearest 10 degrees for proper calculation of the impairment value; *see* A.M.A., *Guides* at page 31. The Office medical adviser determined under Tables 1 and 2, pages 18 through 19 of the A.M.A., *Guides* that appellant's 17 percent finger impairment converted to a 3 percent impairment of the hand and right upper extremity. The 3 percent impairment was then combined with the 10 percent loss of strength percentage for a total of 13 percent impairment to the right upper extremity.

Accordingly, the decision of the Office of Workers' Compensation Programs dated November 5, 1998 is hereby affirmed.

Dated, Washington, D.C.
June 19, 2000

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member