

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of WARREN J. BREAUX and DEPARTMENT OF THE INTERIOR,  
FISH & WILDLIFE SERVICE, Lafayette, LA

*Docket No. 98-1007; Submitted on the Record;  
Issued May 19, 2000*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant is entitled to a greater than six percent permanent impairment of his right lower extremity.

The Board has carefully reviewed the record of evidence and considered the contentions of appellant on appeal and finds that the January 20, 1998 decision of the hearing representative for the Office of Workers' Compensation Programs is in accordance with the facts and the law in this case. The Board, therefore, adopts the findings and conclusions of the hearing representative.<sup>1</sup>

The decision of the Office of Workers' Compensation Programs dated January 20, 1998 is hereby affirmed.

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

David S. Gerson  
Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>1</sup> On appeal, appellant asserted that he was entitled to a 12 percent schedule award based on the report of Dr. Robert E. White, a Board-certified medicine and rehabilitation physician, who in a June 25, 1997 report opined that appellant had a 12 percent whole body impairment based on impairments to the leg and back. The hearing representative's January 20, 1998 decision noted that schedule awards are not payable for whole person impairment under the Federal Employees' Compensation Act nor is a schedule award available for back impairment; *see* 5 U.S.C. § 8107; *Terry E. Mills*, 47 ECAB 309 (1996); *James E. Mills*, 43 ECAB 215 (1991); *James E. Jenkins*, 39 ECAB 860 (1988).