

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BARNEY GONZALEZ and DEPARTMENT OF THE AIR FORCE,
KIRTLAND AIR FORCE BASE, NM

*Docket No. 99-590; Submitted on the Record;
Issued May 25, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant is entitled to more than 52 weeks of compensation for the loss of his left testicle.

The Board has duly reviewed the record in this case and finds that appellant is not entitled to more than 52 weeks of compensation for the loss of his left testicle.

Section 8107 of the Federal Employees' Compensation Act¹ and section 10.304 of the implementing federal regulations² authorize the payment of schedule awards for the loss or permanent impairment of specified members, functions or organs of the body. Section 10.304(b) provides for the payment of 52 weeks of compensation for the loss of a single testicle.³

In its December 8, 1997 decision, the Office of Workers' Compensation Programs awarded 52 weeks of compensation for the 100 percent loss of appellant's left testicle, which is the maximum amount payable under the Act and implementing regulations. Appellant is entitled to no more compensation for the loss of this organ.⁴

The December 8, 1997 decision of the Office of Workers' Compensation Programs is affirmed.

¹ 5 U.S.C. § 8107.

² 20 C.F.R. § 10.304.

³ *Id.* at § 10.304(b). Compensation for proportionate periods of time is payable for partial loss or partial loss of use of each member, organ or function. *Id.* at § 10.304(a).

⁴ On appeal appellant argues that he is entitled to 312 weeks' compensation for the total loss or loss of use of his penis. The Office has not issued a final decision on appellant's entitlement to compensation for the loss or loss of use of this organ, and the Board has no jurisdiction to consider the matter for the first time on appeal. 20 C.F.R. § 501.2(c).

Dated, Washington, D.C.
May 25, 2000

George E. Rivers
Member

David S. Gerson
Member

Michael E. Groom
Alternate Member