

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of VERA R. PRICE and U.S. POSTAL SERVICE,
POST OFFICE, Indianapolis, IN

*Docket No. 99-2514; Submitted on the Record;
Issued September 25, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant has more than a 29 percent permanent impairment of the left lower extremity, for which she has received schedule awards.

On May 7, 1975 appellant, a custodian, sustained an injury while in the performance of her duties. The Office of Workers' Compensation Programs accepted her claim for the conditions of left knee sprain, torn lateral and medial menisci of the left knee and chondromalacia of the left patella. Appellant underwent surgery and received compensation for temporary total disability. She also received several schedule awards, the sum of which compensated her for a 29 percent permanent impairment of the left lower extremity.

On November 23, 1999 appellant advised the Office that her left leg had worsened as a result of arthritis and aggravation from her limited-duty position. She stated that surgery on the left knee had caused her to change the way she walked, which caused pain in her lower back and hips.

On January 20, 2000 the Office advised appellant to make an appointment with her attending physician for the purpose of evaluating the impairment of her left lower extremity.

On February 1, 2000 Dr. Raymond O. Pierce, Jr., appellant's orthopedic surgeon, reported that appellant walked with the aide of a cane. She had 15 degrees of valgus deformity. Range of motion was 0 to 89 degrees. There was some medial and lateral laxity but good anterior and posterior stability. X-rays revealed far advanced degenerative joint disease of the left knee. Dr. Pierce concluded: "We feel that this lady [has] a permanent impairment rate of 38 percent to 40 percent of the whole woman."

On February 15, 2000 an Office medical adviser reviewed Dr. Pierce's findings and determined that these findings demonstrated a 28 percent permanent impairment of the left lower extremity. The Office medical adviser determined that appellant had a 10 percent impairment

due to loss of motion and a 20 percent impairment due to moderate valgus deformity. He advised that the combined impairment of 28 percent would be much higher if cartilage interval measurements for advanced degenerative joint disease were available.

In a decision dated October 20, 1998, the Office denied appellant's claim for an additional schedule award.

The Board finds that this case is not in posture for determination. Further development of the medical evidence is warranted.

The Office's procedure manual provides that claims examiners should advise any physician evaluating permanent impairment to use the fourth edition of the American Medical Association, *Guides to the Evaluation of Permanent Impairment* and to report findings in accordance with those guidelines, with noted exceptions.¹ The procedure manual also provides that the attending physician should make the evaluation whenever possible and that the report of the examination must always include a detailed description of the impairment.² Further, the procedure manual provides that the claims examiner should review the findings of the Office medical adviser and, if the claims examiner believes that the impairment has not been correctly described or that the percentage is not reasonable, a new or supplemental evaluation should be obtained.³

Table 62, page 83, of the A.M.A., *Guides* (4th ed. 1993) provides for the evaluation of arthritis impairment based on Roentgenographically determined cartilage intervals. The Office did not request Roentgenographically determined cartilage intervals and Dr. Pierce did not provide them. The Office medical adviser noted that appellant's 28 percent permanent impairment of the left lower extremity would be "much higher" if this information were available. Because appellant's impairment was not fully described and because the percentage determined by the Office medical adviser does not appear to represent an accurate estimate of appellant's left lower extremity impairment, the Board will remand the case for further development. After such further development as may be necessary, the Office shall issue an appropriate final decision on appellant's entitlement to schedule compensation.

¹ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Schedule Awards and Permanent Disability Claims*, Chapter 2.808.6.a. (March 1995).

² Federal (FECA) Procedure Manual, Part 2 -- Claims, *Schedule Awards and Permanent Disability Claims*, Chapter 2.808.6.c. (March 1995).

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Schedule Awards and Permanent Disability Claims*, Chapter 2.808.6.d(2) (March 1995).

The October 20, 1998 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further action consistent with this opinion.

Dated, Washington, DC
September 25, 2000

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member