U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DONALD W. HUETTEMANN and U.S. POSTAL SERVICE, POST OFFICE, La Salle, IL

Docket No. 00-1799; Submitted on the Record;
Issued April 6, 2001

DECISION and ORDER

Before DAVID S. GERSON, A. PETER KANJORSKI, PRISCILLA ANNE SCHWAB

The issue is whether appellant is entitled to a schedule award for his employment-related left ankle stress fracture.

On February 6, 1997 appellant, then a 48-year-old letter carrier, filed an occupational disease claim, alleging that his ankle fracture was caused by factors of his federal employment.

On March 26, 1997 the Office of Workers' Compensation Programs accepted appellant's claim for stress fracture.

On February 5, 1998 appellant filed a claim for a schedule award.

In a medical report dated April 16, 1999, Dr. Lawrence K.C. Li, an Office referral physician, reported the following: left ankle range of motion had 20 degrees of dorsiflexion; 40 degrees of plantar flexion; and 10 degrees of inversion and eversion with no pain along the second metatarsal bone. Neurovascular examination was normal. There was "some discoloration on the left relative to the right but this is not symptomatic." Appellant reached maximum medical improvement on April 1, 1997. Dr. Li noted further that appellant had no permanent disability.

In a report dated October 17, 1999, the Office medical adviser reviewed appellant's medical record and Dr. Li's report and determined that, based on the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4th ed. 1993), appellant's left ankle stress fracture warranted a zero percent permanent impairment.

In a decision dated April 11, 2000, the Office denied appellant's claim for a schedule award on the grounds that he had no impairment of his left ankle resulting from the accepted stress fracture.

The Board finds that the Office properly denied appellant's claim for a schedule award.

Under section 8107 of the Federal Employees' Compensation Act[1] and section 10.404 of the implementing federal regulations,[2] schedule awards are payable for permanent impairment of specified body members, functions or organs. However, neither the Act nor the regulations specify the manner in which the percentage of impairment shall be determined. For consistent results and to ensure equal justice for all claimants, the Office adopted the A.M.A., *Guides* as a standard for determining the percentage of impairment, and the Board has concurred in such adoption.[3]

The Office has adopted and the Board has approved of the A.M.A., *Guides* as the uniform standard applicable to all claimants.[4] If the physician does not use the A.M.A., *Guides* to calculate the degree of permanent impairment, it is proper for an Office medical adviser to review the case record and to apply the A.M.A., *Guides* to the examination findings reported by the treating physician.[5]

In this case, Dr. Li opined that appellant had "no permanent impairment whatsoever." However, Dr. Li did not explain how he had calculated appellant's zero degree of impairment pursuant to the A.M.A., *Guides*. Thus, the Office properly referred the case record to the Office medical adviser.

In his October 17, 1999 report, the Office medical adviser found that, according to the A.M.A., *Guides*, 20 degrees of dorsiflexion, 0 degrees of plantar flexion, 10 degrees of eversion and 10 degrees of inversion constituted no impairment.[6] The Office medical adviser properly calculated appellant's left ankle impairment pursuant to the A.M.A., *Guides*, and there is no medical evidence of record that appellant has more than a zero percent permanent impairment. The Office medical adviser was the only physician of record who referred to the A.M.A., *Guides* in recommending an impairment to the Office.

The Board finds that appellant has failed to meet his burden of proof in establishing entitlement to a schedule award.[7] Inasmuch as the medical evidence establishes that appellant has no work-related permanent impairment of a schedule member, the Office properly found that appellant was not entitled to a schedule award for impairment of his left lower extremity.

[1] 5 U.S.C. §§ 8101-8193.

[2] 20 C.F.R. § 10.404.

[3] *James A. England*, 47 ECAB 115 (1995).

[4] *Lena P. Huntley*, 46 ECAB 643 (1995).

[5] *Paul R. Evans, Jr.*, 44 ECAB 646 (1993).

[6] A.M.A., *Guides* at 78, Table 42.

[7] *George E. Williams*, 44 ECAB 530, 532 (1993).

The April 11, 2000 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
April 6, 2001

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member