

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of VERSA V. SARABIA and U.S. POSTAL SERVICE,
AIRPORT MAIL FACILITY, San Francisco, CA

*Docket No. 00-2052; Submitted on the Record;
Issued August 14, 2001*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant has more than a 20 percent impairment of her left upper extremity or 15 percent of her right upper extremity for which she received a schedule award.

On March 3, 1992 appellant, then a 56-year-old general clerk, filed an occupational disease claim alleging that in August 1991 she first realized that her carpal tunnel syndrome was related to employment factors.¹ The Office accepted the claim for bilateral carpal tunnel syndrome, paid compensation and authorized surgery. Appellant filed recurrence claims on August 1992,² September 23, 1992, July 6, 1993 and October 13, 1994.³ Appellant stopped work on April 30, 1997 and returned to a modified light-duty job on May 24, 1999.

The Office medical adviser reviewed the January 25, 1999 report of Dr. John Missirian, an impartial Board-certified orthopedic surgeon, to determine that appellant had a three percent impairment of her right upper extremity and a three percent impairment of the left upper extremity using Figure 26 at page 36.

On December 1, 1999 the Office issued a schedule award for a six percent bilateral impairment of the upper extremities.

Appellant requested reconsideration by letter dated January 25, 2000 and submitted evidence in support of her request.

The Office medical adviser reviewed the reports dated February 10 and October 22, 1998, September 15 and October 13, 1999 and February 10, 1998 nerve conduction velocity

¹ The Office of Workers' Compensation Programs assigned this claim number 13-0955048.

² This claim was assigned number 13-0979166.

³ The Office assigned number 13-1064196 to this claim.

studies and concluded that appellant had a 15 percent impairment of the right upper extremity and a 20 percent impairment of the left upper extremity based upon Table 16 at page 57. In reaching this conclusion, the Office medical adviser noted that appellant had a mild-to-moderate entrapment neuropathy of the right medial nerve and a moderate entrapment neuropathy of the left median nerve.

By decision dated March 29, 2000, the Office modified appellant's schedule award to a 15 percent impairment of the right upper extremity and a 20 percent impairment of the left upper extremity.

The Board finds that appellant has no more than a 20 percent impairment of her left upper extremity or 15 percent of her right upper extremity for which she received a schedule award

Under section 8107 of the Federal Employees' Compensation Act⁴ and section 10.304 of the implementing federal regulations,⁵ schedule awards are payable for permanent impairment of specified body members, functions or organs. The schedule award provisions of the Act set forth the number of weeks of compensation to be paid for permanent loss of the use of the members of the body listed in the schedule.⁶ 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 American Medical Association, *Guides to the Evaluation of Permanent Impairment*⁷ as a standard for determining the percentage of impairment and the Board has concurred in such adoption.⁸

In this case, the Office accepted that appellant sustained carpal tunnel in both arms as a result of her federal employment. By decision dated December 1, 1999, appellant was granted a schedule award for a 3 percent loss of use of the right upper extremity and a 3 percent loss of use of the left upper extremity which the Office modified by decision dated March 29, 2000 to a 15 percent loss of use of the right upper extremity and a 20 percent loss of use of the left upper extremity.

If appellant's 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 apply the A.M.A., *Guides* to the examination findings by the treating physician.⁹ In this case, neither Dr. Missirian nor Dr. Morse provided an opinion regarding appellant's impairment pursuant to the A.M.A., *Guides*, but did provide physical findings and loss of grip strength. An impairment to the upper extremity caused by entrapment neuropathy can be evaluated by

⁴ 5 U.S.C. § 8107.

⁵ 20 C.F.R. § 10.304.

⁶ 5 U.S.C. § 8107; *see also James A. England*, 47 ECAB 115, 117 (1995).

⁷ A.M.A., *Guides*, (4th edition 1993).

⁸ *Thomas L. Iverson*, 50 ECAB ____ (Docket No. 98-446, issued August 5, 1999); *Leisa D. Vassar*, 40 ECAB 1287 (1989); *Francis John Kilcoyne*, 38 ECAB 168 (1986).

⁹ *Paul R. Evans, Jr.*, 44 ECAB 646 (1993).

measuring the sensory and motor deficits, or by use of Table 16 at page 57 of the A.M.A., *Guides* which provides a diagnosis based impairment value for impairment due to entrapment neuropathy.

The Office medical adviser was the only physician of record who calculated appellant's impairment pursuant to the A.M.A., *Guides*. The Office medical adviser properly noted that Table 16 at page 57 of the A.M.A., *Guides* provided a permanent impairment value for mild median nerve entrapment neuropathy at the wrist of 15 percent for the right upper extremity and a 20 percent for the left upper extremity. The Office medical adviser correctly calculated both appellant's right upper extremity and left upper extremity impairments pursuant to the A.M.A., *Guides* and there is no medical evidence of record that appellant has more than a 15 percent impairment of the right upper extremity and a 20 percent impairment of the left upper extremity. The Office therefore properly granted appellant's request for modification and amended her schedule award for a 15 percent impairment of the right upper extremity and a 20 percent impairment of the left upper extremity

The decision of the Office of Workers' Compensation Programs dated March 29, 2000 is hereby affirmed.

Dated, Washington, DC
August 14, 2001

David S. Gerson
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member