

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of PAMELA G. CROW and DEPARTMENT OF AGRICULTURE,  
NATURAL RESOURCES CONSERVATION SERVICE, Temple, TX

*Docket No. 00-2699; Submitted on the Record;  
Issued December 17, 2001*

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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 schedule award for her employment-related bilateral sacroilitis, lumbar strain and piriformis release.

On February 15, 1996 appellant, then a 47-year-old voucher examiner, filed a claim alleging that she sustained a low back injury while in the performance of duty.

The Office of Workers' Compensation Programs accepted appellant's claim for sacroilitis, lumbar strain and piriformis syndrome.

On March 17, 1997 appellant filed a claim for a schedule award. In a decision dated March 5, 1999, the Office denied her claim, and the hearing representative, in a decision issued and finalized on August 14, 1999, affirmed the Office's decision. On July 26, 2000 the Office denied appellant's request for review.

The schedule award provisions of the Federal Employees' Compensation Act<sup>1</sup> set forth the number of weeks of compensation to be paid for the permanent loss of use of specified members, functions and organs of the body. The Office by regulation has adopted the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4<sup>th</sup> ed. 1993) as the standard for evaluating schedule losses.

In this case, appellant's treating physician, Dr. C. David Rowlett, Board-certified in preventive medicine, in a report dated April 2, 1999, evaluated appellant and determined that she had a "10 percent whole person impairment for lumbar lesion" and a 7 percent whole person impairment for lumbar range of motion deficits. Using the Combined Values Chart,<sup>2</sup> Dr. Rowlett rated appellant with a 16 percent whole person impairment.

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<sup>1</sup> 5 U.S.C. § 8107

<sup>2</sup> 20 C.F.R. § 10.404 (1999).

The Board notes that Dr. Rowlett submitted a medical report indicating that appellant sustained a 16 percent whole body impairment. However, a schedule award is not payable for the loss or loss of use of a part of the body that is not specifically enumerated under the Act or the regulations. Further, the Act nor the regulations provide for a schedule award for an impairment to the back or the body as a whole. In addition, the back is specifically excluded under the definition of “organ” under the Act.<sup>3</sup>

Because appellant has not submitted any medical evidence that establishes that appellant has a permanent impairment to a schedule member, the Office’s decisions dated August 24, 1999 and July 26, 2000 must be affirmed.

The decisions of the Office of Workers’ Compensation Programs dated July 26, 2000 and August 24, 1999 are affirmed.

Dated, Washington, DC  
December 17, 2001

David S. Gerson  
Member

Willie T.C. Thomas  
Member

A. Peter Kanjorski  
Alternate Member

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<sup>3</sup> *Terry E. Mills*, 47 ECAB 309 (1996).