

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JO ANN BREITLING and U.S. POSTAL SERVICE,
POST OFFICE, Richardson, TX

*Docket No. 99-1478; Submitted on the Record;
Issued February 20, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant is entitled to receive a schedule award for mental impairment.

On August 24, 1993 appellant, a 43-year-old letter carrier, filed a notice of traumatic injury alleging that she injured her right foot and ankle and her left knee in the performance of duty. The Office of Workers' Compensation Programs accepted appellant's claim for left knee strain and left ankle strain on October 29, 1993. On August 9, 1995 the Office granted appellant a schedule award for 18 percent impairment of her right lower extremity. On May 7, 1998 the Office granted appellant a schedule award for 10 percent impairment of her left lower extremity. By decision dated December 1, 1998, the Office granted appellant a schedule award for an additional 14 percent permanent impairment of her right lower extremity.

In an undated letter, appellant requested a schedule award for mental impairment of 20 percent of the whole person. By decision dated March 3, 1999, the Office denied appellant's request for a schedule award noting that the Federal Employees' Compensation Act¹ did not provide for payment of a schedule award due to mental impairment.²

The Board finds that appellant is not entitled to a schedule award for mental impairment.

¹ 5 U.S.C. §§ 8101-8193.

² Appellant's appeal to the Board indicated that she was interested in appealing the March 3, 1999 decision. Appellant did not mention any other decision by the Office and has chosen to follow alternative appeal rights before the Office regarding her claims for additional schedule awards for her right upper extremity, right lower extremity and left lower extremity. As appellant did not request review by the Board of these issues and as it is not necessary for the Board to address these issues in considering this appeal, the decisions of the Office in the other claims before it will not be addressed in this decision.

In this case, appellant requested a schedule award for mental impairment due to job-related stress and submitted medical evidence indicating that she had 20 percent impairment of the whole person due to such mental impairment.

A schedule award is not payable for a member, function or organ of the body not specified in the Act or in the implementing regulations. As neither the Act nor the regulations provide for the payment of a schedule award for permanent mental impairment to the brain nor impairment to the skull, no claimant is entitled to such an award.³

The March 3, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
February 20, 2001

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

³ *George E. Williams*, 44 ECAB 530, 533 (1993).