

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of STEPHEN J. LARWA and DEPARTMENT OF THE NAVY,
PHILADELPHIA NAVAL SHIPYARD, Philadelphia, PA

*Docket No. 00-2560; Submitted on the Record;
Issued July 13, 2001*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant established that he has greater than a three percent permanent impairment of the left lower extremity, for which he received a schedule award.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office of Workers' Compensation Programs dated April 25, 2000 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.¹

¹ The Office properly determined that a conflict of medical opinion existed and, therefore, referred appellant to an impartial medical examiner. 5 U.S.C. § 8123(a); *see Shirley L. Steib*, 46 ECAB 309, 317 (1994). In cases where the Office has referred appellant to an impartial medical examiner to resolve a conflict in the medical evidence, the opinion of such a specialist, if sufficiently well rationalized and based upon a proper factual background, must be given special weight. *Gary R. Sieber*, 46 ECAB 215, 225 (1994). The Board finds that the impartial medical examiner's June 15, 1999 opinion is sufficiently well rationalized and based upon a proper factual background. Furthermore, the Office medical adviser reviewed the impartial medical examiner's June 15, 1999 findings and correctly determined that appellant had a three percent permanent impairment of the left lower extremity.

The April 25, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
July 13, 2001

David S. Gerson
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member