

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of VIVIAN E. DIXON and DEPARTMENT OF HEALTH & HUMAN SERVICES, SOCIAL SECURITY ADMINISTRATION, Baltimore, MD

*Docket No. 00-2789; Submitted on the Record;
Issued July 19, 2001*

DECISION and ORDER

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

The issue is whether appellant has more than a 20 percent loss of use of the left arm for which she 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 November 22, 1999 decision of the Office of Workers' Compensation Programs is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ The opinion of the impartial medical specialist, Dr. Robert O. Kan, a Board-certified orthopedic surgeon, which stated that appellant had a 20 percent permanent impairment to her left upper extremity constitutes the weight of the evidence. *See Rosie E. Garner*, 48 ECAB 220, 225 (1996). The report appellant submitted dated March 30, 1999 with an illegible signature, stating that appellant had an additional eight percent permanent impairment, was not sufficiently rationalized to counter Dr. Kan's opinion. *See Jacquelyn L. Olivier*, 48 ECAB 232, 236 (1996). Further, on May 28, 1999 the district medical adviser agreed with Dr. Kan's 20 percent impairment rating.

The decision of the Office of Workers' Compensation Programs dated November 22, 1999 is hereby affirmed.

Dated, Washington, DC
July 19, 2001

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member