

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of JEWELL L. SULLIVAN and DEPARTMENT OF DEFENSE,  
SUPPLY CENTER, Columbus, OH

*Docket No. 00-1701; Submitted on the Record;  
Issued May 8, 2001*

---

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issue is whether appellant met her burden of proof to show that she has more than a 31 permanent impairment of her right lower extremity 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 decision of the hearing representative of the Office of Workers' Compensation Programs dated and finalized February 3, 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.<sup>1</sup>

---

<sup>1</sup> Appellant received schedule awards for a 31 permanent impairment of her right lower extremity. Appellant claimed that she had a greater impairment and submitted reports of Dr. Edwin H. Season, an attending Board-certified orthopedic surgeon, and Dr. Nancy Renneker, an attending physician Board-certified in physical medicine and rehabilitation. The Office hearing representative properly explained that the Office medical consultants correctly determined that both Dr. Season and Dr. Renneker did not properly apply the standards of the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4th ed. 1993) because they combined ratings for examination-based impairments with those for diagnosis-based impairments. Moreover, Dr. Renneker did not sufficiently explain her examination-based impairment ratings. For example, she did not adequately explain how her rating for muscle weakness was performed in accordance with the specified testing procedures or why it was appropriate to add this rating to her ratings based on limited knee motion; see A.M.A., *Guides* 75-78. On appeal, appellant's attorney indicated that he had not seen the October 20, 1999 report of the Office medical consultant; a copy of the report is, in fact, contained in the record.

The decision of the Office of Workers' Compensation Programs dated and finalized February 3, 2000 is affirmed.

Dated, Washington, DC  
May 8, 2001

David S. Gerson  
Member

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member