

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of SAMMIE L. SINGLETON and DEFENSE LOGISTICS AGENCY,  
DEFENSE DISTRIBUTION REGION WEST, Lathrop, CA

*Docket No. 00-2306; Submitted on the Record;  
Issued May 25, 2001*

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DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,  
MICHAEL E. GROOM

The issue is whether appellant has more than an 18 percent impairment of the left lower extremity for which she has received a schedule award.

The Board has duly reviewed the case on appeal and finds that appellant has no more than an 18 percent permanent impairment of her left leg for which she received a schedule award.

On December 19, 1995 appellant, then a 46-year-old material handler, filed a traumatic injury claim alleging that she injured her ankle while repelling from a hydrolift. The Office of Workers' Compensation Programs accepted the claim for left ankle sprain and left knee sprain and authorized left knee surgery. By decision dated May 23, 2000, the Office granted appellant a schedule award for an 18 percent impairment of the left leg.

Under section 8107 of the Federal Employees' Compensation Act,<sup>1</sup> and section 10.304 of the implementing federal regulations,<sup>2</sup> schedule awards are payable for permanent impairment of specified body members, functions or organs. However, neither the Act nor the regulations specify the manner in which the percentage of impairment shall be determined. For consistent results and to ensure equal justice under the law for all claimants, good administrative practice necessitates the use of a single set of tables so that there may be uniform standards applicable to all claimants. The American Medical Association, *Guides to the Evaluation of Permanent*

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<sup>1</sup> 5 U.S.C. § 8107.

<sup>2</sup> 20 C.F.R. § 10.304.

*Impairment*<sup>3</sup> have been adopted by the Office, and the Board has concurred in such adoption, as an appropriate standard for evaluating schedule losses.<sup>4</sup>

Appellant's attending Board-certified orthopedic surgeon, Dr. George W. Westin, Jr., completed a report on March 16, 2000. He reported appellant's range of motion in her left knee as "5 degrees of hyperextension to 88 degrees of flexion" and 1.5 cm of thigh circumference atrophy. Dr. Westin noted that her pain was worse with activity, mild anklyosis of four percent, mild loss of function due to muscle atrophy or weakness of three to eight percent for the left lower extremity and stated that December 1998 was the date of maximum medical improvement.

The Office referred Dr. Westin's report to the Office medical adviser. In a report dated April 10, 2000, the Office medical adviser noted Dr. Westin's findings and correlated these with the A.M.A., *Guides*. He found that appellant's pain interfered with activity<sup>5</sup> for a 60 percent impairment of the femoral nerve<sup>6</sup> or 4 percent impairment due to pain. The Office medical adviser noted that appellant's loss of range of motion consisted of 5 degrees of hyperextension and 88 degrees of flexion for a total of 10 percent impairment.<sup>7</sup> Next, he found appellant had a 5 percent impairment due to her atrophy of 1.5 cm in her left knee.<sup>8</sup> The Office medical adviser then utilized the Combined Values Chart and concluded that appellant had an 18 percent left lower extremity impairment.

Board cases are clear that, if an attending physician does not properly utilize the A.M.A., *Guides*, his opinion is of diminished probative value in establishing the degree of any permanent impairment. In such cases, the Office may rely on the advice of its medical adviser or consultant where he or she has properly utilized the A.M.A., *Guides*.<sup>9</sup> In this case, the Office properly relied on the report of the Office medical adviser as he provided a detailed explanation of how he reached the impairment rating and correlated Dr. Westin's findings with the A.M.A., *Guides*. As there is no medical evidence providing citation to the A.M.A., *Guides* establishing that appellant has more than 18 percent impairment, the Board finds that the Office properly granted appellant a schedule award for 18 percent impairment of her left lower extremity.

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<sup>3</sup> A.M.A., *Guides* (4<sup>th</sup> ed. 1993).

<sup>4</sup> *James J. Hjort*, 45 ECAB 595 (1994); *A. George Lampo*, 45 ECAB 441 (1994).

<sup>5</sup> A.M.A., *Guides* at 48, Table 11.

<sup>6</sup> *Id.* at 89, Table 68.

<sup>7</sup> *Id.* at 78, Table 41.

<sup>8</sup> *Id.* at 77, Table 37.

<sup>9</sup> *See Paul R. Evans*, 44 ECAB 646, 651 (1993); *Thomas P. Gauthier*, 34 ECAB 1060, 1063 (1983).

The decision of the Office of Workers' Compensation Programs dated May 23, 2000 is hereby affirmed.

Dated, Washington, DC  
May 25, 2001

Michael J. Walsh  
Chairman

Willie T.C. Thomas  
Member

Michael E. Groom  
Alternate Member