

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ROBERT J. JOHNSON and U.S. POSTAL SERVICE,
POST OFFICE, Phoenix, AZ

*Docket No. 01-863; Submitted on the Record;
Issued October 16, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant is entitled to a schedule award for his left wrist.

The Office of Workers' Compensation Programs accepted appellant's claim for a left wrist fracture. On November 23, 1999 appellant filed a claim for a schedule award. In a report dated September 29, 1998, appellant's treating physician, Dr. James G. Beauchene, a hand surgeon, noted that appellant returned to regular, unrestricted work. He found on physical examination that appellant's left wrist was normal. Using the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4th ed. 1994), he opined that there was no ratable impairment of the left upper extremity causally related to appellant's April 1, 1998 employment injury.

By decision dated February 2, 2000, the Office denied appellant's claim, stating that appellant did not meet the requirements of having a permanent impairment of his left wrist.

The Board finds that appellant did not establish that he is entitled to a schedule award for his left wrist.

The schedule award provision of the Federal Employees' Compensation Act¹ provides for compensation to employees sustaining permanent impairment from loss or loss of use of specified members of the body. The Act's compensation schedule specifies the number of weeks of compensation to be paid for the permanent loss of use of specified members, functions and organs of the body. The Act does not, however, specify the manner by which the percentage loss of a member, function, or organ shall be determined. The method used in making such a determination is a matter that rests in the sound discretion of the Office.² For consistent results and to ensure equal justice under the law to all claimants, good administrative practice

¹ 5 U.S.C. § 8107 *et seq.*

² *Arthur E. Anderson*, 43 ECAB 691, 697 (1992); *Daniel C. Goings*, 37 ECAB 781, 783 (1986).

necessitates the use of a single set of tables so that there may be uniform standards applicable to all claimants.³

In this case, in his September 29, 1998 report, appellant's treating physician, Dr. Beauchene, opined that appellant's left wrist physical examination was normal and appellant could return to regular, unrestricted work. Using the A.M.A., *Guides* (4th ed. 1994), he found that appellant had no ratable impairment to his left wrist. There is no evidence in the record to the contrary. Appellant has therefore failed to establish his claim. As the medical evidence does not establish that he sustained any permanent impairment of the left wrist due to his accepted injury.

The February 2, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
October 16, 2001

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

³ *Arthur E. Anderson, supra* note 2 at 697; *Henry L. King*, 25 ECAB 39, 44 (1973).