

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CLIFFORD L. PETERKIN and DEPARTMENT OF THE ARMY,
WALSON ARMY COMMUNITY HOSPITAL, Fort Dix, NJ

*Docket No. 01-90; Submitted on the Record;
Issued September 20, 2001*

DECISION and ORDER

Before MICHAEL E. GROOM, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant met his burden of proof to establish that he has a permanent impairment of his extremities which entitles him to 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 July 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.¹

¹ Appellant has argued that impairment from his preexisting back injury, with lower extremity symptoms, would entitle him to a schedule award. It is well established that, in determining the amount of a schedule award for a member of the body that sustained an employment-related permanent impairment, preexisting impairments of the body are to be included. However, as explained by the Office hearing representative, appellant has not submitted sufficient medical evidence to show that he sustained permanent impairment to his extremities due to the accepted employment injury, aggravation of his preexisting low back syndrome. Therefore, in the absence of such an employment-related permanent impairment, it would be inappropriate to base an impairment rating on appellant's preexisting back condition; *see Dale B. Larson*, 41 ECAB 481, 490 (1990); *Pedro M. De Leon, Jr.*, 35 ECAB 487, 492 (1983).

The July 3, 2000 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
September 20, 2001

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member