

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of CASSANDRA YOUNG and U.S. POSTAL OFFICE,  
POST OFFICE, Coppel, TX

*Docket No. 02-1971; Submitted on the Record;  
Issued December 17, 2002*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant is entitled to receive a schedule award for an accepted psychiatric condition.

The Office of Workers' Compensation Programs accepted appellant's claim for anxiety, depression and post-traumatic stress disorder arising from her April 22, 1988 employment injury when she was assaulted and raped. Appellant received benefits and returned to modified work on April 3, 1989 and worked intermittently until April 17, 1995 when she returned to work four hours a day. Appellant made a couple of unsuccessful attempts to increase her hours to six hours a day in May 1995 and on June 28, 1995 the Office determined that appellant's four hours a day work schedule represented her wage-earning capacity. Appellant continued working until October 1995 when she stopped working. On November 13, 1995 she filed a recurrence of disability, which the Office denied on January 18, 1996. The Office denied appellant's request for modification on June 14, 1996 and denied her request for reconsideration on June 25, 1997.

On April 16, 2002 appellant filed a claim for a schedule award.

By letter dated May 5, 2002, appellant requested a written review of the record.<sup>1</sup>

By letter dated May 9, 1992, the Office informed appellant that it received her request for a schedule award but the request could not be completed at that time because she failed to provide the Office with a copy of an impairment rating to a schedule member. The Office requested that appellant provide the Office with that information within 30 days.

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<sup>1</sup> The Branch of Hearings and Review issued a decision responding to appellant's request on August 23, 2002, after appellant appealed her claim to the Board. The Board, therefore, lacks jurisdiction to review it. *See Terry L. Smith*, 51 ECAB 182, 183-84 (1999); *Noe L. Flores*, 49 ECAB 344, 346 n.1 (1998).

By letter dated May 25, 2002, appellant stated that it was her understanding, referring to her claim forms and the emergency room medical report of her injury, that the impairment rating for her occupational disease or illness had been submitted.

In a note dated May 29, 2002, the Office stated that appellant came in to discuss her claim for a schedule award and the Office explained to her that she needed to provide medical evidence of her impairment. The Office explained that since appellant's condition had not been accepted for a physical impairment, she was not entitled to a schedule award.

By decision dated May 30, 2002, the Office denied appellant's claim, stating that appellant did not submit evidence establishing that she sustained a physical injury to a schedule member and there are no schedule awards for psychological conditions.

The Board finds that appellant is not entitled to a schedule award for an accepted psychiatric condition.

Under section 8107<sup>2</sup> of the Federal Employees' Compensation Act and section 10.404 of the implementing regulations,<sup>3</sup> schedule awards are payable for permanent impairment of specified body members, functions or organs. However, there is no provision under the Act or its implementing regulations entitling a claimant to a schedule award for an accepted psychiatric condition.<sup>4</sup> In this case, the Office accepted appellant's condition for anxiety, depression and traumatic stress disorder. The Office has not accepted that appellant sustained any of the impairments enumerated under the schedule award provisions of the Act. Therefore, appellant is not entitled to a schedule award for her accepted psychiatric condition.

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<sup>2</sup> 5 U.S.C. § 8107.

<sup>3</sup> 20 C.F.R. § 10.404.

<sup>4</sup> *Loretta M. Shideler*, 50 ECAB 115, 116-17 (1998).

The May 30, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
December 17, 2002

David S. Gerson  
Alternate Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member