

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SUMPTER L. BURTON and U.S. POSTAL SERVICE,
POST OFFICE, Jessup, MD

*Docket No. 01-1387; Submitted on the Record;
Issued January 11, 2002*

DECISION and ORDER

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

The issue is whether appellant is entitled to a schedule award as a result of his accepted employment-related depression.

On April 14, 2000 appellant, then a 54-year-old postmaster, filed a claim asserting that his depression resulted from his federal employment. The Office of Workers' Compensation Programs accepted his claim for major depression on November 21, 2000.

On January 2, 2001 appellant filed a claim for a schedule award.

In a decision dated January 24, 2001, the Office denied appellant's claim for a schedule award. The Office noted that medical evidence failed to refer to any impairment of an accepted member as set forth in section 8107.

In a letter dated February 2, 2001, appellant requested reconsideration and submitted a February 1, 2001 report by Dr. Rose. In his report, Dr. Gavin E. Rose, an attending Board-certified psychiatrist, stated that appellant's affected member was his "brain and the function affected is the chemistry of the neurotransmitters of the brain as it controls mood and cognition."

By decision dated April 2, 2001, the Office denied appellant's request for modification.

The Board finds that appellant is not entitled to a schedule award for his employment-related depression.

The schedule award provisions of the Federal Employees' Compensation Act¹ and the implementing regulations² provide for payment of compensation for the permanent loss or loss

¹ 5 U.S.C. § 8107(a).

² 20 C.F.R. § 10.404.

of use of specified members, functions and organs of the body. No schedule award is payable for a member, function or organ of the body that is not specified in the Act or in the implementing regulations.³

The Act itself specifies the following members: arm, leg, hand, foot, thumb and finger. The Act also specifies loss of hearing and loss of vision and provides compensation for the loss of an eye. As neither the Act nor the regulations provide for the payment of a schedule award for permanent mental impairment to the brain nor impairment to the skull, no claimant is entitled to such an award.⁴ The Office therefore correctly denied appellant's request for a schedule award.

The decisions of the Office of Workers' Compensation Programs dated April 2 and January 24, 2001 are affirmed.

Dated, Washington, DC
January 11, 2002

David S. Gerson
Member

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

³ *Thomas E. Montgomery*, 28 ECAB 294 (1977).

⁴ *George E. Williams*, 44 ECAB 530, 533 (1993).