

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of EDWARD GARCIA and DEPARTMENT OF JUSTICE,
PHYSICAL TECHNIQUES BUILDING, Glynco, GA

*Docket No. 02-29; Submitted on the Record;
Issued June 11, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant is entitled 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 July 12, 2001 decision of the Office of Workers' Compensation Programs, finalized on July 17, 2001, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ The report of appellant's treating physician, Dr. Terren D. Klein, an orthopedic surgeon, that appellant had a zero percent impairment to his right ankle pursuant to the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4th ed. 1994) and appellant's failure to present medical evidence that he had an impairment to his right knee or right lower extremity pursuant to the A.M.A., *Guides* (4th ed. 1994) establishes that appellant is not entitled to a schedule award. The Federal Employees' Compensation Act does not provide for a schedule award for disfigurement to the leg. See *William Tipler*, 45 ECAB 185 (1993). Appellant does not have any impairment under the fifth edition of the A.M.A., *Guides*, and therefore any error by the Office in failing to use the A.M.A., *Guides* (5th ed.) after February 1, 2001, when they became effective, is harmless. See FECA Bulletin No. 01-05 (issued January 29, 2001).

The July 17, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
June 11, 2002

Alec J. Koromilas
Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member