

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DENNIS L. NORRIS and DEPARTMENT OF THE AIR FORCE,
TINKER AIR FORCE BASE, OK

*Docket No. 02-387; Submitted on the Record;
Issued June 14, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, ALEC J. KOROMILAS,
WILLIE T.C. THOMAS

The issue is whether appellant has established entitlement to a schedule award under 5 U.S.C. § 8107.

The Office of Workers' Compensation Programs accepted that appellant sustained an umbilical hernia causally related to lifting in his federal employment. In a claim for compensation (Form CA-7) dated August 6, 2001, appellant indicated that he was claiming a schedule award.

By decision dated September 6, 2001, the Office determined that appellant was not entitled to a schedule award.

The Board finds that appellant has not established that he is entitled to a schedule award under 5 U.S.C. § 8107.

The schedule award provisions of the Federal Employees' Compensation Act¹ and its implementing regulation² set forth the number of weeks of compensation payable to employees sustaining permanent impairment from loss, or loss of use, of scheduled members or functions of the body. However, the Act does not specify the manner in which the percentage of loss shall be determined. For consistent results and to ensure equal justice under the law to all claimants, good administrative practice necessitates the use of a single set of tables so that there may be uniform standards applicable to all claimants. The American Medical Association, *Guides to the*

¹ 5 U.S.C. § 8107.

² 20 C.F.R. § 10.404 (1999).

Evaluation of Permanent Impairment has been adopted by the implementing regulation as the appropriate standard for evaluating schedule losses.³

In this case, the Office accepted an umbilical hernia as employment related; appellant underwent hernia repair surgery on September 11, 2000. With respect to a schedule award, however, there is no medical evidence discussing a permanent impairment to a scheduled member, organ or function of the body. The attending surgeon, Dr. Svein Holsaeter, did not submit a medical report regarding a permanent impairment. Accordingly, the Board finds that the Office properly determined that appellant was not entitled to a schedule award in this case.

The decision of the Office of Workers' Compensation Programs dated September 6, 2001 is affirmed.

Dated, Washington, DC
June 14, 2002

Michael J. Walsh
Chairman

Alec J. Koromilas
Member

Willie T.C. Thomas
Alternate Member

³ As of February 1, 2001, the fifth edition of the A.M.A., *Guides* is used to calculate schedule awards. FECA Bulletin 01-05 (January 29, 2001).