

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CAROLYN KISH and U.S. POSTAL SERVICE,
POST OFFICE, Pennington, NJ

*Docket No. 01-99; Submitted on the Record;
Issued March 5, 2002*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant established that she has greater than a seven percent permanent impairment of the right upper extremity, for which she received 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 July 13, 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 Section 8107 of the Federal Employees' Compensation Act sets forth the number of weeks of compensation to be paid for the permanent loss of use of specified members, functions and organs of the body. 5 U.S.C. § 8107. The implementing federal regulations provide that the degree of impairment is to be determined in accordance with the standards set forth in the "specified edition" of the American Medical Association, *Guides to the Evaluation of Permanent Impairment*. 20 C.F.R. § 10.404 (1999). When the Office issued its initial determination on June 14, 1999, the Office procedures provided for use of the fourth edition of the A.M.A., *Guides* (4th ed. 1993). *John Yera*, 48 ECAB 243, 247 n.16 (1996). Appellant's argument that the date of maximum medical improvement should determine which edition of the A.M.A., *Guides* to apply is without merit. As the Office adjudicated appellant's claim for a schedule award after November 1, 1993 but prior to February 1, 2001, the Office correctly applied the fourth edition of the A.M.A., *Guides*. *Id.*; FECA Bulletin No. 01-05 (January 29, 2001).

The July 13, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
March 5, 2002

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member