

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOHN W. JEFFERSON and U.S. POSTAL SERVICE,
POST OFFICE, Bellmawr, NJ

*Docket No. 01-1531; Submitted on the Record;
Issued October 4, 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 for his accepted employment injuries.

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 February 22, 2001 and finalized February 23, 2001 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 In concluding that appellant was not entitled to a schedule award, the Office hearing representative accorded determinative weight to the November 5, 1999 report of Dr. Gregory S. Maslow, a Board-certified orthopedic surgeon and impartial medical examiner, who found that appellant was suffering from low back pain and radiculitis causally related to a spondylolysis spondylolisthesis. He further stated that appellant's current symptoms are based on his structural abnormality and are not causally related to his employment injury. In cases where the Office has referred appellant to an impartial medical examiner to resolve a conflict in the medical evidence, the opinion of such a specialist, if sufficiently well rationalized and based upon a proper factual background, must be given special weight. *Gary R. Sieber*, 46 ECAB 215, 225 (1994). The Board finds that the impartial medical examiner's November 5, 1999 opinion is sufficiently well rationalized and based upon a proper factual background.

The decision of the Office of Workers' Compensation Programs dated February 22, 2001 and finalized February 23, 2001 is hereby affirmed.

Dated, Washington, DC
October 4, 2002

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member