

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of RICHARD C. GRIFFIN, JR. and DEPARTMENT OF THE NAVY,  
MILITARY SEALIFT COMMAND, Bayonne, NJ

*Docket No. 03-91; Submitted on the Record;  
Issued March 24, 2003*

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DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,  
A. PETER KANJORSKI

The issue is whether appellant entitled to greater than 10 percent permanent impairment of the left lower extremity for which he 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 decision of the Office of Workers' Compensation Programs' hearing representative, dated and finalized on September 12, 2002 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.<sup>1</sup>

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<sup>1</sup> The Board notes that the need for an examination, the type of examination, the choice of locale and the choice of medical examiners are matters within the province and discretion of the Office. The only limitation on this authority is that of reasonableness. See *Laura K. Correa*, 49 ECAB 5999 (1998); *Todd Harrison*, 49 ECAB 571 (1998). The Board finds that the Office acted reasonably in scheduling appellant for a second opinion evaluation to ascertain the extent of his permanent impairment to the left lower extremity. The Board agrees with the Office hearing representative that appellant cannot be found entitled to a greater schedule award until such time as he agrees to undergo a second opinion examination as required by Office. The Office's finding of 10 percent impairment is supported by the report of the Office medical adviser who reviewed the examination findings of appellant's treating physician and applied those findings to the fourth edition of the American Medical Association, *Guides to the Evaluation of Permanent Impairment*.

Accordingly, the decision of the Office of Workers' Compensation Program dated September 12, 2002 is hereby affirmed.<sup>2</sup>

Dated, Washington, DC  
March 24, 2003

Alec J. Koromilas  
Chairman

David S. Gerson  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>2</sup> The following corrections are made to the decision at page 3, footnote 1 should read *James W. Ray*, 33 ECAB 1470 (1982), and at page 4, footnote 2 should read *Louis V. Romero*, 42 ECAB 146 (1990).