

On January 10, 2005 appellant filed a Form CA-7 claim for a schedule award based on a partial loss of use of her right leg. Appellant submitted a report dated February 24, 2005 which indicated that she had leg weakness of 38 percent and a whole person impairment of 17 percent. The report was signed by a physician; however, the physician's signature at the bottom of the report is not legible.

In an impairment evaluation dated March 7, 2005, an Office medical adviser found that appellant had a two percent impairment of his right lower extremity based on the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (fifth edition), (the A.M.A., *Guides*). The Office medical adviser found that the arthroscopic surgery for partial medial meniscectomy of the right knee appellant underwent on December 23, 2003 measured a two percent impairment pursuant to Table 17-33 at page 546 of the A.M.A., *Guides*.

On April 1, 2005 the Office granted appellant a schedule award for a two percent permanent impairment of the right leg for the period February 23 to April 4, 2005 for a total of 40.32 days of compensation.

LEGAL PRECEDENT

The schedule award provision of the Federal Employees' Compensation Act¹ sets forth the number of weeks of compensation to be paid for permanent loss, or loss of use of the members of the body listed in the schedule. Where the loss of use is less than 100 percent, the amount of compensation is paid in proportion to the percentage loss of use.² However, the Act does not specify the manner in which the percentage of loss of use of a member is to be determined. For consistent results and to insure equal justice under the law to all claimants, the Office has adopted the A.M.A., *Guides* (fifth edition) as the standard to be used for evaluating schedule losses.³

ANALYSIS

The Office medical adviser properly found that appellant had a two percent impairment of the right lower extremity based on the partial medial meniscectomy of the right knee appellant underwent on December 23, 2003, in accordance with Table 17-33 at page 546 of the A.M.A., *Guides*. The only other medical evidence contained in the record was the February 24, 2005 report appellant submitted, which stated that appellant had leg weakness of 38 percent and a whole person impairment of 17 percent. This report, however, does not conform to the A.M.A., *Guides*, as it does not relate its findings to the applicable tables and charts of the A.M.A., *Guides*. Further, although the report was signed by a physician, the physician's signature at the bottom of the report is not legible. As appellant has failed to submit a report containing an impairment rating in accordance with the applicable figures and tables of the A.M.A., *Guides*,

¹ 5 U.S.C. §§ 8101-8193; *see* 5 U.S.C. § 8107(c).

² 5 U.S.C. § 8107(c)(19).

³ 20 C.F.R. § 10.404.

the Board finds that appellant has failed to submit sufficient medical evidence establishing a greater impairment than that awarded by the Office.

As there is no other probative medical evidence establishing that appellant sustained any additional permanent impairment, the Office properly found that appellant was not entitled to more than a two percent permanent impairment to her right leg.

CONCLUSION

The Board finds that appellant has no more than a two percent permanent impairment to her right leg.

ORDER

IT IS HEREBY ORDERED THAT the April 1, 2005 decision of the Office of Workers' Compensation Programs be affirmed.

Issued: September 14, 2005
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board