

Impairment (fifth edition), (the A.M.A., *Guides*). Dr. Berezin calculated this impairment by measuring a left wrist radial deviation of 10 degrees, as opposed to the normal, 20 degree radiation, pursuant to Figure 16-31 at page 649 of the A.M.A., *Guides*.

In an impairment evaluation dated November 11, 2005, an Office medical adviser, adopting Dr. Berezin's findings and conclusions, found that appellant had a two percent impairment of her left upper extremity based on the A.M.A., *Guides*.

On November 29, 2005 the Office granted appellant a schedule award for a two percent permanent impairment of the left upper extremity for the period November 11 to December 24, 2005 for a total of 43.68 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 ensure 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

In this case, the Office medical adviser correctly concluded that appellant had a two percent impairment of the left upper extremity based on Dr. Berezin's finding of a left wrist radial deviation of 10 degrees, in accordance with Figure 16-31 at page 469 of the A.M.A., *Guides*.

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 left upper extremity.

CONCLUSION

The Board finds that appellant has no more than a two percent permanent impairment to her left upper extremity.

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.

ORDER

IT IS HEREBY ORDERED THAT the November 29, 2005 decision of the Office of Workers' Compensation Programs be affirmed.

Issued: September 18, 2006
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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