



not have those benefits terminated without procedural due process. In this case appellant had not received a schedule award under the fifth edition.

In *Harry D. Butler*,<sup>2</sup> the Board noted that Congress delegated authority to the Director of OWCP regarding the specific methods by which permanent impairment is to be rated. Pursuant to this authority, the Director adopted the A.M.A., *Guides* as a uniform standard applicable to all claimants and the Board has concurred in the adoption.<sup>3</sup> On March 15, 2009 the Director exercised authority to advise that as of May 1, 2009 all schedule award decisions of OWCP should reflect use of the sixth edition of the A.M.A., *Guides*.<sup>4</sup> The applicable date of the sixth edition relates to the date of the schedule award decision. It is not determined by either the date of maximum medical improvement or when the claim for such award was filed.<sup>5</sup> The Board accordingly finds that the arguments presented are without merit regarding the February 7, 2011 OWCP decision on appeal.

**IT IS HEREBY ORDERED THAT** the February 7, 2011 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 12, 2012  
Washington, DC

Richard J. Daschbach, Chief Judge  
Employees' Compensation Appeals Board

Alec J. Koromilas, Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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<sup>2</sup> 43 ECAB 859 (1992).

<sup>3</sup> *Id.* at 866; 20 C.F.R. § 10.404.

<sup>4</sup> *Supra* note 1.

<sup>5</sup> *See D.O.* (Docket No. 11-350, issued October 25, 2011).