

The Board has duly considered the matter and notes that the Director has not forwarded the complete contents of appellant's case record for review by the Board. OWCP accepted appellant's claim for arthritis of the right knee and authorized a total right knee replacement which was performed by Dr. David A. Cortese on February 6, 2009. On February 16, 2010 appellant filed a claim for schedule award. He submitted April 19 and April 26, 2010 reports from Dr. Donald Tilson who reviewed Dr. Cortese's February 6, 2009 surgical report and opined that appellant had 59 percent left leg impairment. In a May 11, 2010 report, an OWCP medical adviser opined that appellant had 31 percent permanent impairment of the right leg. The medical adviser noted that appellant underwent a total knee replacement on February 6, 2009 and classified appellant's impairment based on a total knee replacement. On June 7, 2010 OWCP found that appellant had 31 percent impairment of the right leg. As appellant previously received a schedule award for 16 percent impairment of that leg, he was entitled to an additional schedule award for 15 percent impairment based on the February 6, 2009 total right knee replacement. On February 7, 2011 a hearing representative affirmed OWCP's decision. The hearing representative noted the February 6, 2009 total knee replacement and noted that appellant was granted a schedule award based on the knee replacement and poor results from the surgery. However, the record transmitted to the Board does not include, *inter alia*, Dr. Cortese's February 6, 2009 operative report which is one of the bases of OWCP's impairment determination. The Board, therefore, finds that the appeal docketed as No. 11-1132 is not in posture for a decision as the Board is unable to render an informed adjudication of the case. The case must be remanded to OWCP for reconstruction and proper assemblage of the case record and an appropriate merit decision issued on appellant's claim in order to preserve his appeal rights.

IT IS HEREBY ORDERED THAT the February 7, 2011 Office of Workers' Compensation Programs' decision in appeal No. 11-1132 be set aside and the case remanded for further action consistent with this order of the Board.

Issued: March 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