



ligament. On January 5, 2011 OWCP updated the acceptance of appellant's claim to include sprain of the left wrist interphalangeal and left radial styloid tenosynovitis.

On November 12, 2009 appellant underwent surgery for repair and reconstruction of the ulnar collateral ligament of the left thumb and release of the first dorsal compartment and tenolysis of the left wrist. In reports dated September 1 and November 17, 2010, Dr. Tariq B. Ifikhar, appellant's treating orthopedic surgeon, noted that appellant underwent surgery for the repair and reconstruction of the ulnar collateral ligament of the left thumb, along with release of the first dorsal compartment and tenolysis of the left wrist. He noted that she was doing well and did not complain of any particular problem. Dr. Tariq B. Ifikhar noted essentially unremarkable examinations with good healing, good strength and range of motion and with neurovascular status intact.

On August 12, 2010 appellant filed a claim for a schedule award. OWCP referred her case to an OWCP medical adviser for a determination of permanent impairment under the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (6<sup>th</sup> ed. 2009). In a February 7, 2011 report, the medical adviser noted that Dr. Ifikhar's reports indicated an unremarkable physical examination. He therefore found that given appellant's residual subjective complaints of weakness, he recommended awarding one percent impairment of the left upper extremity pursuant to Table 15-3, page 395 of the A.M.A., *Guides*. Dr. Ifikhar noted that there would be no change in this award with use of the net adjustment formula.

On April 14, 2011 OWCP issued a schedule award for one percent permanent impairment of the left upper extremity.

### **LEGAL PRECEDENT**

The schedule award provision of FECA<sup>2</sup> and its implementing regulations,<sup>3</sup> set forth the number of weeks of compensation payable to employees sustaining permanent impairment from loss, or loss of use, of scheduled members or functions of the body. However, FECA does not specify the manner in which the percentage of loss shall be determined. For consistent results and to ensure equal justice under the law for all claimants, OWCP has adopted the A.M.A., *Guides* as the uniform standard applicable to all claimants.<sup>4</sup> As of May 1, 2009, the sixth edition of the A.M.A., *Guides* is used to calculate schedule awards.<sup>5</sup>

The sixth edition requires identifying the impairment class for the diagnosed condition (CDX) which is then adjusted by grade modifiers based on Functional History (GMFH), Physical

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<sup>2</sup> 5 U.S.C. § 8107.

<sup>3</sup> 20 C.F.R. § 10.404.

<sup>4</sup> *Id.* at § 10.404(a).

<sup>5</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Schedule Awards and Permanent Disability Claims*, Chapter 2.808.6.6a (January 2010); *see also* Part 3 -- Medical, *Schedule Awards*, Chapter 3.700.2 and Exhibit 1 (January 2010).

Examination (GMPE) and Clinical Studies (GMCS).<sup>6</sup> The net adjustment formula is (GMFH - CDX) + (GMPE - CDX) + (GMCS - CDX).

OWCP procedures provide that, after obtaining all necessary medical evidence, the file should be routed through the medical adviser for an opinion concerning the nature and percentage of impairment in accordance with the A.M.A., *Guides*, with OWCP's medical adviser providing rationale for the percentage of impairment specified.<sup>7</sup>

### ANALYSIS

OWCP accepted appellant's claim for sprain of the left elbow and forearm and ulnar collateral ligament, sprain of the left wrist interphalangeal and left radial tenosynovitis. Appellant underwent surgery for repair and reconstruction of the ulnar collateral ligament of the left thumb and release of the first dorsal compartment and tenolysis of the left wrist. Her treating physician, Dr. Ifikhar, noted unremarkable examinations postsurgery on September 1 and November 17, 2010.

Appellant requested a schedule award. OWCP referred appellant's case to the medical adviser, who applied Table 15-3 of the A.M.A., *Guides*,<sup>8</sup> which addresses impairment in the wrists, and determined that appellant had one percent impairment of her left upper extremity. The medical adviser concluded that appellant had one percent impairment based on subjective complaints of weakness and noted that there would be no change to this award with use of the net adjustment formula. He failed, however, to explain how he reached his conclusion. The sixth edition of the A.M.A., *Guides* provides a diagnosis-based method of evaluation. It requires identifying the impairment class for the diagnosed condition, which is then adjusted by grade modifiers based on functional history, physical examination and clinical studies.<sup>9</sup> OWCP's medical adviser identified only the table and provided a minimal explanation of the diagnosis category and no evaluation of the grade modifiers. As discussed, grade modifiers should be considered for functional history, physical examination and clinical studies and these grade modifiers can change the extent of a given impairment rating.<sup>10</sup> Consequently, the Board finds that the opinion of OWCP's medical adviser requires further clarification on the issue of appellant's left upper extremity impairment. The case is remanded for proper application of the A.M.A., *Guides* and, if necessary, further development of the evidence. Following such further development as OWCP deems necessary, it should issue a *de novo* decision.

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<sup>6</sup> A.M.A., *Guides* 494-531.

<sup>7</sup> See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Schedule Awards and Permanent Disability Claims*, Chapter 2.808.6(d) (August 2002).

<sup>8</sup> A.M.A., *Guides* 395.

<sup>9</sup> *Id.* at 405-12.

<sup>10</sup> *Id.*; *R.O.*, Docket No. 10-2143 (issued August 15, 2011).

**CONCLUSION**

The Board finds that this case is not in posture for decision.

**ORDER**

**IT IS HEREBY ORDERED THAT** the April 14, 2011 merit decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: March 14, 2012  
Washington, DC

Alec J. Koromilas, Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board