

impairment. To resolve the conflict, OWCP referred appellant to Dr. Jiab Suleiman, a Board-certified orthopedic surgeon, for an impartial medical examination. Dr. Suleiman submitted a report dated April 24, 2018, which did not provide an impairment rating.

In a memorandum dated May 10, 2018, OWCP noted that it would obtain a new impartial medical opinion, as Dr. Suleiman failed to provide the requested impairment rating. It notified appellant in a letter dated May 10, 2018 that Dr. Suleiman's report did not meet the criteria of the A.M.A. *Guides*. OWCP indicated that it would first attempt to secure a corrective report. If it could not, it would schedule appellant for a new impartial medical examination to obtain the necessary impairment rating. On May 10, 2018 OWCP prepared a "referral sheet for an IME [impartial medical examiner]" with a list of questions. It did not request or receive an additional report from Dr. Suleiman.

By decision dated May 15, 2018, OWCP denied appellant's schedule award claim, based on Dr. Suleiman's April 24, 2018 report as the special weight of the medical evidence. Appellant appealed the May 15, 2018 decision to the Board.

The Board finds that the case is not in posture for decision on the issue of whether appellant has established permanent impairment of her lower extremities. On return of the case record, OWCP should conduct additional development to resolve the existing conflict of medical opinion regarding the appropriate percentage of permanent impairment of appellant's bilateral lower extremities. Following this and such other development as deemed necessary, OWCP shall issue an appropriate merit decision on the claim.

IT IS HEREBY ORDERED THAT the May 15, 2018 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further action consistent with this order of the Board.

Issued: June 20, 2019
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board