

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PAMELA V. EPPS and U.S. BANKRUPTCY COURT,
CUSTOM HOUSE, Denver, CO

*Docket No. 98-567; Submitted on the Record;
Issued February 18, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant has greater than a three percent permanent impairment to the left upper extremity for which she received a schedule award.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that decision of the Office of Workers' Compensation Programs' hearing representative, dated and finalized on the October 16, 1997, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ Appellant's treating physician gave appellant an additional 10 percent impairment rating for pain associated with her carpal tunnel syndrome. The Board notes, however, that the fourth edition of the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (A.M.A., *Guides*), Chapter 3, page 13 states that the rating percents for the musculoskeletal system make allowance for pain that may accompany an impairment. An exception is when there is evidence of a peripheral nerve disorder and the pain results in a permanent impairment. *See* A.M.A., *Guides* at Chapter 3, page 48. In the instant case, appellant has not demonstrated a peripheral nerve disorder which would entitle her to further consideration of her claim for an additional rating based on impairment due to pain.

Accordingly, the decision of the Office of Workers' Compensation Programs dated October 16, 1997 is hereby affirmed.

Dated, Washington, D.C.
February 18, 2000

George E. Rivers
Member

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member