

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of EVELYN M. WILKINS and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION MEDICAL CENTER, Perry Point, MD

*Docket No. 00-305; Submitted on the Record;
Issued January 9, 2001*

DECISION and ORDER

Before DAVID S. GERSON, PRISCILLA ANNE SCHWAB,
VALERIE D. EVANS-HARRELL

The issue is whether appellant has more than a 10 percent permanent impairment of the right upper extremity, for which she received a schedule award.

The Board has duly reviewed the record on appeal and finds that the evidence fails to establish that appellant has more than a 10 percent permanent impairment of the right upper extremity.

Section 8107 of the Federal Employees' Compensation Act¹ authorizes the payment of schedule awards for the loss or permanent impairment of specified members, functions or organs of the body. Neither the Act nor the implementing regulations, however, specify how the percentage of impairment shall be determined. For consistent results and to ensure equal justice for all claimants, the Office of Workers' Compensation Programs has adopted the American Medical Association, *Guides to the Evaluation of Permanent Impairment* as the standard for determining the percentage of impairment, and the Board has concurred in such adoption.²

On July 13, 1999 the Office issued a schedule award for a 10 percent permanent impairment of the right upper extremity. The Office based this award on the June 11, 1999 report of Dr. Charles H. Epps, Jr., a consulting orthopedic surgeon, who stated that appellant had residual sensory median nerve symptoms of carpal tunnel syndrome and no other significant residuals. He reviewed the May 14, 1998 findings of Dr. Steven B. Friedman, an orthopedic specialist and Office referral physician. He noted that Dr. Friedman's report was quite detailed and described a normal examination. Using Table 16, page 57, of the A.M.A., *Guides* (4th ed. 1993), Dr. Epps determined that appellant had a 10 percent permanent impairment of the right upper extremity due to a mild entrapment neuropathy.

¹ 5 U.S.C. § 8101 *et seq.*; 8107.

² *E.g.*, *Leisa D. Vassar*, 40 ECAB 1287 (1989).

The Board finds that Dr. Friedman's report supports the estimate given by Dr. Epps. Dr. Friedman himself estimated a 10 percent permanent impairment as a result of a persistent mild median sensory neuropathy.

In his February 5, 1999 report, Dr. Keith A. Segalman, an orthopedist and associate of appellant's attending physician, Dr. Michael S. Murphy, noted the following: no swelling, atrophy or deformity; a positive Tinel's and Phalen's sign bilaterally; no thenar weakness in either hand; marked swelling of the right forearm over the course of the median nerve; equivocal provocative testing for pronator syndrome; mild evidence of adhesions along the right carpal tunnel; an apparently complete release; no de Quervain's tenosynovitis in either wrist; full range of motion; normal two-point discrimination; and grip strength of 18 versus 38. Dr. Segalman gave no opinion on the severity of appellant's condition or the impairment of her right upper extremity under the criteria of the A.M.A., *Guides*. His report is therefore of little probative value in establishing whether appellant has more than a mild degree of entrapment neuropathy.³

As the weight of the medical evidence fails to support that appellant has more than a 10 percent permanent impairment of the right upper extremity, the Board will affirm the Office's schedule award.

The July 13, 1999 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
January 9, 2001

David S. Gerson
Member

Priscilla Anne Schwab
Alternate Member

Valerie D. Evans-Harrell
Alternate Member

³ According to the A.M.A., *Guides*, clinical findings of full range of movement, normal two-point discrimination and a 60 percent strength loss index are indicative of a mild, residual carpal tunnel syndrome, and no additional impairment is allotted for loss of grip strength. A.M.A., *Guides* at 56.