U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DAVID T. GOTCH and U.S. POSTAL SERVICE,
LONG POINT STATION, Houston, TX

Docket No. 03-1697; Submitted on the Record;
Issued September 2, 2003

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has more than a two percent permanent impairment of his left upper extremity as a result of his September 8, 2000 employment injury.

On September 8, 2000 appellant, then a 42-year-old letter carrier, injured his left hand in a motor vehicle accident. The Office of Workers' Compensation Programs accepted his claim for left wrist sprain, left thumb tendinitis and left wrist ligament tear. On May 13, 2002 he underwent an arthroscopic debridement of the left wrist to relieve arthritis pain. Appellant received compensation for temporary total disability on the periodic compensation rolls. On June 26, 2002 he accepted a limited-duty assignment.

On April 3, 2003 appellant filed a claim for a schedule award. In support thereof he submitted an October 24, 2002 report from his attending orthopedic surgeon, Dr. Mark H. Henry, who declared that he had reached maximum medical improvement. Appellant also submitted an evaluation of permanent impairment, performed by a therapist on January 9, 2003. The evaluation showed left wrist flexion of 80 degrees, extension of 55 degrees, radial deviation of 25 degrees and ulnar deviation of 35 degrees. The therapist rated the impairment of appellant's left upper extremity at two percent. On January 14, 2003 Dr. Henry adopted the findings of the therapist, stating that he had looked at the calculations and confirming that the therapist had measured correctly. An Office medical adviser reviewed Dr. Henry's findings and determined that appellant had a two percent permanent impairment of the left upper extremity based on loss of motion.

On May 20, 2003 the Office issued a schedule award for a two percent permanent impairment of the left upper extremity.

On appeal, appellant disagrees with the Office's May 20, 2003 decision, stating:

> "I am disagreeing with this decision because it takes two hands to deliver mail and I am damaged because of this impairment. My left hand is numb and weak

> all the time. I drop mail in my left hand at least 10 times a day. With the way we deliver mail today it takes both hands to complete my job. When I started with the [employing establishment] in 1983 you could use one hand to deliver the mail. But in today's [employing establishment] you use both hands left and right, equal. It's very hard to deliver mail with this impairment. My left hand goes totally numb at times, the whole hand not just the top side. I have a problem fingering mail because I can't always feel my fingers at times."

The Board finds that appellant has no more than a two percent permanent impairment of his left upper extremity as a result of his September 8, 2000 employment injury.

Section 8107 of the Federal Employees' Compensation Act authorizes the payment of schedule awards for the loss or loss of use of specified members, organs or functions of the body.[1] Such loss or loss of use is known as permanent impairment. The Office evaluates the degree of permanent impairment according to the standards set forth in the specified edition of the American Medical Association, *Guides to the Evaluation of Permanent Impairment*.[2]

According to Figure 16-28, page 467, of the A.M.A., *Guides*, wrist flexion of 80 degrees represents no impairment of the upper extremity.[3] Extension of 55 degrees represents a 2 percent impairment. According to Figure 16-31, page 469, radial deviation of 25 degrees and ulnar deviation of 35 degrees represent no impairment of the upper extremity.[4]

Upper extremity impairment due to abnormal wrist motion is calculated from the charts by adding directly together the upper extremity impairment contributed by each motion unit.[5] In this case, the only abnormal motion found by appellant's attending orthopedic surgeon, Dr. Henry, was a loss of extension representing a two percent impairment of the left upper extremity. Appellant's impairment evaluation on January 9, 2003 revealed no other impairment to the left upper extremity. The Office followed standardized procedures and properly issued a schedule award for the impairment found. The Board will affirm the Office's May 20, 2003 decision.

Appellant's complaint on appeal is not that his impairment rating should be higher than that found by Dr. Henry. Rather, his concern is how the employment injury has compromised his ability to perform the duties of his position. This raises an issue that is quite separate from the May 20, 2003 schedule award. The schedule award compensated appellant only for the permanent physical impairment caused by his September 8, 2000 employment injury, without

[1] 5 U.S.C. § 8107.

[2] 20 C.F.R. § 10.404 (1999).

[3] A.M.A., *Guides* at 467, Figure 16-28 (5th ed. 2001).

[4] *Id*. at 469, Figure 16-31.

[5] *Id*. at 466.

regard to his capacity to work or earn wages.[6] Physical impairment is not synonymous with disability for work. An employee who has a physical impairment causally related to his federal employment, but who nonetheless has the capacity to earn the wages he was receiving at the time of injury, has no "disability" as that term is used in the Act and is not entitled to compensation for loss of wage-earning capacity.[7] When, however, the medical evidence establishes that the residuals of an employment injury are such that, from a medical standpoint, they prevent the employee from continuing in his employment, he is entitled to compensation for any loss of wage-earning capacity resulting from such incapacity.[8]

The May 20, 2003 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
September 2, 2003

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

[6] If appellant believes that his employment injury prevents him from performing the duties of his position, he may file a Form CA-7, claim for compensation, with his employer to claim compensation for leave without pay or other wage loss. That issue has no bearing on his May 20, 2003 schedule award.

[7] *See Gary L. Loser*, 38 ECAB 673 (1987) (although the evidence indicated that the claimant sustained a permanent impairment of his legs because of work-related thrombophlebitis, it did not demonstrate that his condition prevented him from returning to his work as a chemist or caused any incapacity to earn the wages he was receiving at the time of injury); 20 C.F.R. § 10.5(f) (1999) (defining "disability" as the incapacity, because of an employment injury, to earn the wages the employee was receiving at the time of injury).

[8] *Bobby W. Hornbuckle*, 38 ECAB 626 (1987).