

File Number:
Merit Review4-D-RECO

U.S. DEPARTMENT OF LABOR

RECEIVED OCT 20 2014

OFFICE OF WORKERS' COMP PROGRAMS
PO BOX 8300 DISTRICT 6 JAC
LONDON, KY 40742-8300
Phone: (904) 366-0100

October 16, 2014

Date of Injury:
Employee:

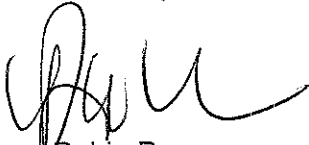
Dear

This concerns your compensation case and your request for reconsideration received on

We have evaluated the evidence submitted and have reviewed the merits of your case under 5 U S C 8128. You have provided sufficient evidence to warrant modification of the decision dated 08/15/2013. Based on the information received, the decision is now vacated.

The reasons for this decision are outlined in the enclosed Notice of Decision.

Sincerely,



Robin Brown
Senior Claims Examiner

PAUL H FELSER, ESQ.
FELSER LAW FIRM P C
P O BOX 10267
SAVANNAH, GA 31412

If you have a disability (a substantially limiting physical or mental impairment), please contact our office/claims examiner for information about the kinds of help available, such as communication assistance (alternate formats or sign language interpretation), accommodations and modifications.

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NOTICE OF DECISION
Claimant Name:
Case Number:

ISSUE: The issue for determination is whether the evidence presented is of sufficient probative value to vacate the decision dated 08/15/2013.

REQUIREMENTS FOR ENTITLEMENT: In accordance with the regulations set forth in 20 CFR § 10.609, if an application for reconsideration is accompanied by new and relevant evidence or by an arguable case for error, OWCP will conduct a merit review of the case to determine whether the prior decision should be modified.

In order to be entitled to a schedule award under the Federal Employees' Compensation Act, the medical evidence in your case must establish that you have sustained a measurable impairment according to the AMA Guides to the Evaluation of Permanent Impairment, 6th Edition.

BACKGROUND: On _____ you filed a claim for Traumatic Injury indicating you sustained an injury or medical condition on _____ as a result of your employment.

Your claim was accepted for: DISPLACEMENT OF LUMBAR INTERVERTEBRAL DISC WITHOUT MYELOPATHY, LEFT, 72210

On 08/15/2013, a formal decision was issued in your case finding that you were entitled to a schedule award for an 8% permanent partial impairment of the left leg. You were paid a schedule award for the period _____

You disagreed with the 08/15/2013 decision and requested a reconsideration through your attorney Paul Felser by letter/appeal request form received on 08/13/2014

DISCUSSION OF EVIDENCE: The evidence reviewed in support of your reconsideration request includes: 08/13/2014 letter from Paul Felser and a medical report dated 07/02/2014 from Carolina Rehabilitation Clinic.

Per office procedures, your case file was reviewed by the District Medical Advisor (DMA) on 09/12/2014 to determine if you have an impairment of your left leg greater than the 8% previously paid. The DMA determined that based on the most recent medical evidence, you have a total impairment of 14%. Specifically, the DMA stated: "I will agree with the above. She has previously received 8% PPI LLE. Therefore, the new award is 14% minus 8% = 6% PPI LLE."

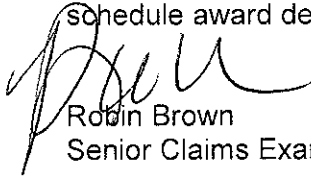
Therefore, you are entitled to an additional 6% award for your left leg.

BASIS FOR DECISION: The schedule award provision of FECA at 5 U.S.C. 8107 and its implementing federal regulations at 20 C.F.R. 10.404 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 (20 C.F.R. 10.404 (a)).

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The evidence is sufficient to vacate the decision dated 08/15/2013 because the file contains an impairment rating which conforms with the AMA Guides.

CONCLUSION: Therefore, the decision dated 08/15/2013 is vacated. A separate schedule award decision and payment will follow.



Robin Brown
Senior Claims Examiner