

U.S. DEPARTMENT OF LABOR

RECEIVED DEC 20 2012

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

December 17, 2012

Date of Injury:
Employee:

Dear Ms.

Under the schedule award provisions of the Federal Employees' Compensation Act (FECA) at 5 U.S.C. 8107, the Office of Workers' Compensation Programs makes the following:

AWARD OF COMPENSATION

1. Degree and Nature of Permanent Impairment: 10% of right arm
2. Date of Maximum Medical Improvement: 05/04/2010
3. Period of Award: 08/12/2011 to 03/17/2012 (fraction of a day)
4. Number of Weeks of Compensation: 31.2
5. Weekly Pay: \$1010.12 X Compensation Rate: 66 2/3% = \$673.41
6. Effective Date of Pay Rate: 04/16/2009
7. After Cost-of-Living Adjustments, Your Weekly Compensation during the following periods is as follows: \$684.75 from 08/12/2011 to 02/29/2012, and \$706.75 from 03/01/2012 to 03/17/2012
8. Your Payment and the Period Covered: \$21,415.74 from 08/12/2011 to 03/17/2012

Payment of your award ends when you have been paid for the last day shown in item 3 above. Therefore, this represents full and final payment for this schedule award.

Section 8107 of the FECA and its implementing regulations set forth the number of weeks of compensation to be paid for the permanent loss or loss of use of specified members, functions and organs of the body known as permanent impairment. 20 C.F.R. 10.404; see also 20 C.F.R. Part 10. The commencement period of the schedule award is usually the date of maximum medical improvement, the date that the physical condition of the injured member has stabilized and is not expected to improve further.

The FECA, however, does not in most instances specify the manner by which the percentage loss of a member, function or organ shall be determined. To ensure consistent results and equal justice under the law, good administrative practice requires the use of uniform standards applicable to all claimants. The implementing regulations have adopted the American Medical Association, *Guides to the Evaluation of Permanent Impairment*, as the appropriate standard for evaluating schedule losses. Currently, schedule awards are calculated using the Sixth Edition of the *AMA Guides*.

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.

A schedule award is payable consecutively but not concurrently with an award for wage loss for the same injury. Therefore, the starting date of the schedule award has been adjusted to 08/12/2011 because you received other compensation for wage loss through 08/11/2011.

The percentage of permanent impairment noted above was based on the medical findings and report of your physician (Dr.) dated 09/20/2012, and the report of the District Medical Advisor (DMA) dated 10/03/2012. Copies of these reports are provided for your reference.

The percentage of permanent impairment shown above was calculated by the DMA, who applied the *Guides* according to the medical findings provided by your treating physician and determined the date of maximum medical improvement based on the medical evidence of record. The DMA's impairment percentage of 10% of your right arm differs from the percentage provided by your treating physician. The findings of the DMA were used instead of those provided by your treating physician because Dr. notes a 6% for your right arm, but does not provide an explanation as to how he derived the impairment rating. In reviewing the evidence of record, the DMA has determined that your physician incorrectly applied the *Guides* to the findings on examination. A copy of the DMA's calculation, which explains this discrepancy, is enclosed. The calculation is proper and in accordance with the *Guides*. Of note is that the DMA's rating is higher than the AP's rating, so using the DMA's rating is more advantageous to you.

The weight of the medical evidence regarding the percentage of impairment is being given to the DMA, because the DMA correctly applied the *Guides* and supported it with medical rationale along with a worksheet noting his calculation in relation to the examination findings. The DMA calculated his rating according to the D.B.I. (diagnosis-based impairment) method specified in the *Guides*.

IMPORTANT INFORMATION

Please read the following information carefully. Keep this award letter so you can refer to it when necessary. If you have questions concerning this award, write to the address shown in the letterhead.

- 1. HOW COMPENSATION IS PAID** - Direct deposit is the fastest and most secure way to receive your award payment. Your payment has been issued.
- 2. CHANGE OF ADDRESS** - Notify this office immediately of any change of address either for correspondence or for direct deposit. Notification must be in writing, signed by you, to the address shown on the first page of this letter. Include your file number, your old address, and your new address.
- 3. CHANGE IN STATUS OF DEPENDENTS** - If your award is paid at the augmented rate of 3/4 because you have one or more dependents, you are required to provide written notification immediately of any change in status of your dependents, to the address on the first page of this letter. The notice must be signed by you and include your file number, the name of the dependent whose status changed, the effective date of the change, and the nature of the change in status. If you originally claimed only one dependent, and there is a change in the status of your sole dependent, do not cash any checks you receive after the change in status of that dependent. Return the checks promptly for adjustment by this Office.
- 4. RETURN TO WORK** - You may work or receive retirement benefits from the Office of Personnel Management (OPM) during the period of this award without any effect on your schedule award payments.

