

Schedule awards, Part 1



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Letter carriers who suffer on-the-job injury or illness are entitled to certain benefits under the Federal Employees' Compensation Act (FECA). They include necessary medical care at no cost, reimbursement for transportation (or mileage) needed to obtain that care, wage-loss compensation when the injury results in disability from work, and schedule awards when there is permanent impairment.

The schedule award benefit often is not well understood. It is payable when an injured employee has suffered a permanent impairment to a part or function of the body that is listed in the schedule of body functions and members found in the FECA at 5 USC 8107. In this context, "impairment" is a medical concept, as opposed to "disability," which is an economic concept reflecting an inability to earn wages.

Permanent impairment is defined as the permanent loss, or loss of use of, a part of the body. The degree of impairment (and ultimately the amount of the schedule award) is determined by medical evaluation—a physician identifies the appropriate diagnosis, makes certain estimates (e.g., regarding the results of a joint replacement—whether the result was good, fair or poor) and/or takes certain measurements (such as range of motion, sensory deficit, joint interval, etc.), and then applies those measurements and/or estimates to applicable charts and tables found in the *AMA Guides to the Evaluation of Permanent Impairment, Sixth Edition* (usually referred to as the *AMA Guides*). The relevant charts and tables provide an impairment percent rating that corresponds to each measurement and/or estimation.

The Office of Workers' Compensation Programs (OWCP) requires medical evaluations based solely on the *AMA Guides, Sixth Edition* in order to qualify for a schedule award. Not all physicians perform impairment ratings. Of those who do, many do not exclusively use the *AMA Guides*. Injured workers interested in pursuing a schedule award should follow certain procedures:

- Ask your physician if they do evaluations of permanent impairment using the *AMA Guides, Sixth Edition*. It has to be the Sixth Edition, the most recent edition of the *AMA Guides*. If the physician uses anything else, the medical report will not be sufficient to qualify for a schedule award.
- If your physician does such evaluations, ask them to schedule an exam to do the evaluation after you have

reached maximum medical improvement (MMI). If your physician does not do such evaluations, ask them to refer you to a physician who does.

- The resulting medical report must 1) state the date you reached MMI, 2) describe the impairment, and 3) give a percentage evaluation of the impairment in terms of the affected member, not the body as a whole. The percentage evaluation must be based on charts and tables found in the *AMA Guides*, and the medical report must include references to the applicable charts and tables. In other words, your physician must explain in the report how they determined the percentage impairment by specific reference to the charts and tables in the *AMA Guides* that were used to make the determination.
- When you receive the medical report, upload it through ECOMP into the appropriate claim along with a cover letter requesting a schedule award. At the same time, complete a Form CA-7 within ECOMP and check "schedule award" in Section 2 of the form.

When OWCP receives the medical report and request, the district medical adviser (a physician who works under contract for OWCP) will review the report to ensure that it was done in compliance with the *AMA Guides*. OWCP will then compute a schedule award by multiplying the percent of impairment by the number of weeks provided in the schedule of body parts (and functions) in the FECA and then further multiplying by your weekly compensation rate.

For example: The FECA provides 288 weeks of compensation for total loss of a leg. If an impairment is 50 percent of one leg, the pay rate is \$40/hour, and there is at least one dependent, the schedule award would be about \$172,000—\$40/hour x 40 hours = \$1,600/week wages; \$1,600/week x .75% (compensation rate for injured worker with dependent) = \$1,200/week; 288 weeks x 50% impairment = 144 weeks; 144 weeks x \$1,200/week = \$172,800.

Schedule awards are generally not payable concurrent with OWCP wage-loss compensation benefits.¹ However, they are payable concurrent with retirement benefits, and they are payable concurrent with wages. Letter carriers who have suffered on-the-job injury or illness that has resulted in permanent impairment to a scheduled body part or function should carefully review the above procedures to ensure their right to a schedule award.

We will continue this discussion of schedule awards in next month's column.

¹ An important exception to this that will be discussed next month is when the wage-loss compensation is based on disability from an injury to a body part other than the body part rated for the schedule award.