

U.S. DEPARTMENT OF LABOR

OFFICE OF WORKERS' COMPENSATION PROGRAMS

DECISION OF THE HEARING REPRESENTATIVE

In the matter of the claim for compensation under Title 5, U.S. code 8101 et. seq. of Thomas R. Oenbrink, claimant; Employed by the U. S. Department of Treasury, Richmond, VA. Case No. 06-2060376. Hearing was held on February 13, 2006 in Atlanta, GA.

The issue is whether the claimant has greater than a 10 percent permanent partial impairment to the right lower extremity for which he received a schedule award.

The claimant, Thomas R. Oenbrink, born January 30, 1961, is employed by U.S. Department of Treasury, Richmond, VA, as a special agent. On May 28, 2002 he filed form CA-1, notice of traumatic injury and claim for compensation indicating that on May 24, 2002 while performing his duties he jumped from a parked truck to the ground approximately 3 feet and injured his right knee. The claim was accepted for femoral contusion and medial meniscus tear of the right knee. Appropriate treatment and compensation benefits were authorized.

On May 22, 2003 the claimant filed form CA-7, Claim for a Schedule Award.

By decision dated July 18, 2003 the Office awarded the claimant a schedule award for 9% impairment to the right leg.

The claimant disagreed with the decision and requested a hearing. Hearings and Review in their decision dated May 11, 2004 remanded the case file back to the District Office for further development. The Office was directed to refer the supplemental reports of Drs. Caldwell and Hay to the District Medical Advisor for review and issuance of a de novo decision.

On June 8, 2004 the case file was reviewed by the District Medical Advisor. He opined that based on the medical records on file to include the reports of Drs. Caldwell and Hay the claimant has 10% impairment to the right lower extremity. He provided medical rationale to support his opinions and correlated his findings with the AMA Guides, 5<sup>th</sup> Edition.

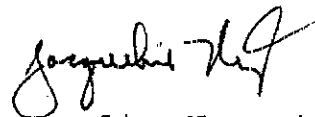
By decision dated June 14, 2004 the Office awarded the claimant an additional 1% impairment for a total impairment of 10% to the right leg. The award was for 2.88 weeks and for the period October 2, 2003 to October 22, 2003.

The claimant disagreed with the decision and requested an oral hearing before a representative of the Office of Worker's

review. He should advise if the claimant has more than a 10% impairment to the right lower extremity for which he received a schedule award. The DMA should correlate his findings with the AMA Guides and provide medical rationale to support all opinions rendered.

The decision of the District Office dated June 14, 2004 is hereby set aside and the case is remanded for the actions outlined above. Upon completion of the recommended action and any further development as deemed necessary, the Office should issue a de novo decision.

Dated: MAY 5 2006  
Washington, D.C.



Jacqueline Neugent  
Hearing Representative  
Director, Office of  
Workers' Compensation Programs