

The Board has held that where a claimant submits medical evidence regarding a permanent impairment at a date subsequent to a prior schedule award decision, he is entitled to a merit decision on the medical evidence.¹ Appellant presented new evidence from Dr. Wardell in support of his schedule award claim. Moreover, this evidence addressed the pertinent issue regarding whether appellant has permanent impairment pursuant to the A.M.A., *Guides*. Although appellant stated that he sought reconsideration, it is evident that he was not seeking reconsideration of the October 11, 2007 decision, but was seeking a schedule award based on new medical evidence.

IT IS HEREBY ORDERED THAT the Office of Workers' Compensation Programs' June 4, 2010 decision be set aside and the case remanded for further development consistent with this order of the Board.

Issued: July 14, 2011
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

¹ See *Linda T. Brown*, 51 ECAB 115 (1999); *Paul R. Reedy*, 45 ECAB 488 (1994); see also *B.K.*, 59 ECAB 228 (2007) (where it was evident that the claimant was seeking a schedule award based on new and current medical evidence, the Office should have issued a merit decision on the schedule award claim rather than adjudicate an application for reconsideration).