

recurrence claim.² By decision dated February 21, 2013, OWCP denied appellant's recurrence claim on the grounds that the medical evidence was insufficient to establish that her accepted condition had worsened.

As noted above, OWCP issued a formal decision on appellant's wage-earning capacity on April 27, 2012. It is well established that a claimant may establish that a modification of a wage-earning capacity is warranted if there is a material change in the nature and extent of an injury-related condition, or a showing that the original determination was, in fact, erroneous.³ Appellant's submission of a recurrence claim on August 6, 2012 for a recurrence of disability on February 28, 2012 should thus be regarded as a request for modification of the wage-earning capacity determination. The Board has held that, when a wage-earning capacity determination has been issued and appellant submits evidence with respect to disability for work, OWCP must evaluate the evidence to determine if modification of wage-earning capacity is warranted.⁴ Rather, in this case, in its February 21, 2013 decision, OWCP adjudicated the claim as a recurrence.

The Board finds that OWCP should have determined whether appellant had established that the wage-earning capacity determination should be modified.⁵ The Board will therefore remand the case to OWCP for proper adjudication, to be followed by an appropriate merit decision to preserve appellant's appeal rights.

² *Id.* The record also indicates that appellant filed a claim for carpal tunnel syndrome, adjudicated separately by OWCP.

³ *P.C.*, 58 ECAB 405 (2007).

⁴ *Katherine T. Kreger*, 55 ECAB 633 (2004); *Sharon C. Clement*, 55 ECAB 552 (2004).

⁵ *F.B.*, Docket No. 09-99 (issued July 21, 2010). *See also M.D.*, Docket No. 12-1317 (issued December 21, 2012).

IT IS HEREBY ORDERED THAT the February 21, 2013 decision of the Office of Workers' Compensation Programs be set aside and the case remanded for further proceedings consistent with this order of the Board.

Issued: November 4, 2013
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board