



June 11, 2012 letter, appellant requested reconsideration. She asserted that new medical evidence established a worsening of the accepted condition, entitling her to an augmented schedule award. Appellant enclosed a May 4, 2012 impairment rating by an attending physician finding five percent impairment of the right arm. By decision dated August 21, 2012, OWCP denied reconsideration on the grounds that her request did not raise substantive legal questions or include new, relevant evidence.

In schedule award cases, a distinction is made between an application for an additional schedule award and a request for reconsideration of the existing schedule award. When a claimant is asserting that the original award was erroneous based on his or her medical condition at that time, this is a request for reconsideration. However, a claim for an additional schedule award may be based on new exposure to employment factors or on the progression of an employment-related condition, without new exposure, resulting in greater permanent impairment.<sup>2</sup>

The Board finds that appellant alleged that her condition had worsened and submitted new medical evidence regarding her current condition. The Board has repeatedly held that a claimant may request a schedule award based on evidence of a new exposure or medical evidence showing the possible progression of an employment-related condition resulting in permanent impairment or increased impairment.<sup>3</sup> The Board therefore finds that OWCP erroneously issued a denial of appellant's request for reconsideration. On remand, OWCP should review and develop the medical evidence and issue an appropriate decision regarding her request for an increased schedule award.

---

<sup>2</sup> *D.C.*, Docket No. 13-1179 (issued September 6, 2013); *T.S.* Docket No. 12-1781 (issued February 12, 2013). See *B.K.*, 59 ECAB 228 (2007).

<sup>3</sup> *D.C.*, *supra* note 2; *B.K.*, *supra* note 2 (where it was evident that the claimant as seeking a schedule award base on new and current medical evidence, OWCP should have issued a merit decision on the schedule award claim than adjudicate an application for reconsideration).

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated August 21, 2012 is set aside and the case remanded for further development consistent with this order of the Board.

Issued: January 28, 2014  
Washington, DC

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board