

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 or she is entitled to a merit decision on the medical evidence.² In the present appeal, appellant submitted Dr. Bishai's January 4, 2013 report after OWCP's February 3, 2011 schedule award decision. Moreover, this report addressed the pertinent issue of this case, *i.e.*, whether appellant was entitled to additional schedule award compensation for upper extremity impairment, as it contained an impairment rating that referenced the A.M.A., *Guides*. Although appellant submitted a form in which he requested reconsideration, it is evident that he was not seeking reconsideration of the February 3, 2011 decision, but was seeking an increased schedule award based on new medical evidence.

The case will be remanded for further development on the issue of whether appellant has more than 32 percent permanent impairment of bilateral upper extremities. Following this and such other development as deemed necessary, OWCP shall issue a *de novo* decision on appellant's claim.

IT IS HEREBY ORDERED THAT the April 30, 2013 decision of the Office of Workers' Compensation Programs be set aside and the case is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: January 8, 2014
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

² 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, OWCP should have issued a merit decision on the schedule award claim rather than adjudicate an application for reconsideration).