

argument. It noted that the new report from Dr. Ellis was cumulative of his October 23, 2012 report which offered the same impairment rating.

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. 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.¹ The Board finds that appellant has submitted new evidence addressing a claim for an additional schedule award based on a progression of his employment-related condition rather than arguing that the original schedule award was in error.² The Board notes that Dr. Ellis provided a new examination and opined that appellant had 40 percent impairment of the left arm.³

As noted, a claimant may request a schedule award or increased schedule award based on evidence of a new exposure or medical evidence showing progression of an employment-related condition resulting in permanent impairment or increased impairment. The Board finds, therefore, that OWCP erroneously refused to address appellant's request for an increased schedule award. On remand, OWCP should review and develop the medical evidence and issue an appropriate merit decision regarding appellant's request for an increased schedule award.

¹ *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).

² *D.C.*, *id.*; *B.K.*, *id.* (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).

³ The Board notes that, while Dr. Ellis' October 23, 2012 report also finds 40 percent impairment of the left arm, his January 14, 2014 report and its calculation are based on new examination findings.

IT IS HEREBY ORDERED THAT the May 9, 2014 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further development consistent with this order of the Board.

Issued: October 21, 2014
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board