



containing an impairment rating. The Board reversed OWCP's decision, which denied the claim on the basis that the claim was untimely and failed to show clear and convincing evidence of error.<sup>1</sup> The Board found that a claimant may seek an increased schedule award at any time, if the evidence established that appellant sustained an increased impairment at a later date, causally related to the accepted injury.

The Board has duly considered the matter and finds that, in accordance with relevant case law and regulations, the case should be remanded for adjudication of appellant's schedule award claim. As previously noted, a claimant may seek an increased schedule award if the evidence establishes that he or she sustained increased impairment at a later date causally related to the accepted employment injury.<sup>2</sup>

As appellant filed a claim for an additional schedule award and submitted new medical evidence in support of the claim, OWCP was incorrect in failing to adjudicate and process the claim. The Board will therefore remand the case for a *de novo* decision which will address the medical evidence submitted in support of the employee's claim of permanent impairment. Following such further development as OWCP deems necessary, it shall issue an appropriate decision on the merits.

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<sup>1</sup> The Board notes that OWCP, as it did in this case, sent appellant a letter which acknowledged receipt of her schedule award claim and referred her to the appeal rights included with the decision denying her schedule award claim.

<sup>2</sup> See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Schedule Awards and Permanent Disability Claims*, Chapter 2.808.7(b) (January 2010).

**IT IS HEREBY ORDERED THAT** the case record is remanded to the Office of Workers' Compensation Programs for further proceedings consistent with this order of the Board.

Issued: October 16, 2015  
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board