

On May 25, 2016 OWCP received appellant's request for reconsideration of the August 15, 2012 impairment rating. Appellant contended that her condition had worsened over the years. In support of her request, she submitted an October 27, 2011 report by Dr. William Tham, a treating Board-certified physiatrist. Using Table 17-2 of the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (6th ed.), Dr. Tham determined that appellant had 24 percent permanent impairment of the cervical spine.

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 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 alleged that her accepted cervical condition worsened and submitted new medical evidence regarding her current condition. The Board has repeatedly held that a claimant may request a schedule award or increased schedule award at any time 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.² The Board finds, therefore, that OWCP erroneously issued a denial of appellant's request for reconsideration under the clear evidence of error standard. On remand, OWCP should review the medical evidence and issue an appropriate decision regarding her request for an increased schedule award.

¹ See *B.K.*, 59 ECAB 228 (2007); *Candace A. Karkoff*, 56 ECAB 622 (2005).

² See *Linda T. Brown*, 51 ECAB 115 (1999); *Paul R. Reedy*, 45 ECAB 488 (1994); see also *B.K.*, *id.* (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).

IT IS HEREBY ORDERED THAT the August 22, 2016 of the Office of Workers' Compensation Programs is set aside and the case is remanded for further development consistent with this order of the Board.

Issued: February 15, 2017
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