

referral physician. On November 10, 2015 the Director filed an answer to the petition for reconsideration, arguing that appellant had not cited any error of fact or law and his petition should therefore be denied. In a November 16, 2015 response, appellant reiterated that Dr. Walsh's report had been omitted. He also noted that in 2012 OWCP expanded his claim to include herniated discs, and the Board's failure to acknowledge all of his accepted conditions represented an error in fact.

In its September 16, 2015 decision, the Board identified appellant's accepted conditions as thoracic and lumbar strain/sprain. Part of the Board's rationale for affirming OWCP's September 24, 2013 denial of a schedule award was that appellant's treating physician had based his left lower extremity impairment rating on diagnoses of herniated thoracic and lumbar discs, "which [were] not accepted as causally related to the employment injury." However, on reconsideration, appellant correctly noted that in February 2012 OWCP had expanded his claim to include, *inter alia*, thoracic and lumbar intervertebral disc displacement.³ Because appellant has identified a pertinent factual error with respect to the September 16, 2015 decision, the Board will grant the petition for reconsideration. Accordingly, the Board will issue a new decision and order regarding appellant's claimed entitlement to a schedule award.

IT IS HEREBY ORDERED THAT the petition for reconsideration is granted.

Issued: September 1, 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

³ OWCP's February 15, 2012 correspondence to appellant advised that his claim had been expanded. The list of all accepted conditions included thoracic and lumbar region back sprain(s), cervical, thoracic and lumbar intervertebral disc displacement(s) without myelopathy, and thoracic or lumbosacral neuritis or radiculitis. OWCP also noted that its decision to expand the claim was based on Dr. Walsh's recent second opinion examination.