

of his hearing loss, if any, for purposes of a schedule award. On September 5, 2018 OWCP received an August 28, 2018 audiogram.

On September 5, 2018 appellant requested reconsideration of the merits of his claim and submitted additional evidence of hearing impairment. By decision dated September 17, 2018, OWCP declined to reopen his schedule award claim finding that his request for reconsideration was untimely filed and failed to demonstrate clear evidence of error.

The Board finds that, in accordance with relevant case law and regulations, the case should be remanded for adjudication of appellant's schedule award claim. A claimant may seek a schedule award or an increased schedule award at any time if the evidence establishes that he or she sustained impairment or increased impairment at a later date causally related to the accepted employment injury.¹

As appellant requested reconsideration of his schedule award decision and OWCP received new medical evidence in support of the claim, OWCP failed to properly adjudicate and process the claim.² The Board will therefore remand the case for further development, if necessary, followed by a *de novo* merit decision addressing the medical evidence submitted in support of appellant's schedule award claim. Accordingly,

¹ See *S.B.*, Docket No. 15-1499 (issued October 16, 2015); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Schedule Awards and Permanent Disability Claims*, Chapter 2.808.7(b) (January 2010).

² OWCP developed the medical evidence in furtherance of appellant's schedule award claim. Proceedings under FECA are not adversarial in nature, and OWCP is not a disinterested arbiter. See *T.E.*, Docket No. 18-1595 (issued March 13, 2019); *J.S.*, Docket No. 16-0777 (issued January 3, 2017); *Vanessa Young*, 55 ECAB 575 (2004). The claimant has the burden of proof to establish entitlement to compensation, but OWCP shares responsibility in the development of the evidence to see that justice is done. See *V.H.*, Docket No. 18-0848 (issued February 25, 2019); *T.R.*, Docket No. 17-1961 (issued December 20, 2018); *William J. Cantrell*, 34 ECAB 1223 (1983). Once OWCP undertakes development of the record, it must do a complete job in procuring medical evidence that will resolve the relevant issues in the case. *Id.*; See *V.B.*, Docket No. 18-1273 (issued March 4, 2019); *Richard F. Williams*, 55 ECAB 343, 346 (2004).

IT IS HEREBY ORDERED THAT the September 17, 2018 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further action consistent with this order of the Board.

Issued: July 26, 2019
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board