

percent right lower extremity permanent impairment. By decision dated July 28, 2017 an OWCP hearing representative affirmed the October 14, 2016 schedule award determination.

On October 10, 2017 appellant, through counsel, requested reconsideration. In support thereof, counsel submitted medical evidence including x-ray interpretations dated November 10, 2014 and June 26, 2015 and medical reports dated October 17, 2016, October 11, November 15, and December 6, 2017 from Dr. Robert M. Maywood, a treating Board-certified orthopedic surgeon. By decision dated December 20, 2017, OWCP denied modification. It concluded that medical evidence appellant submitted was of insufficient probative value to support modification of the July 27, 2017 decision, but made no findings regarding the medical evidence submitted.

The Board has duly considered the matter and finds that this case is not in posture for a decision. Section 8124(a) of the Federal Employees' Compensation Act provides that OWCP shall determine and make a finding of fact and make an award for or against payment of compensation.³ Its regulations also provide that the decision shall contain findings of fact and a statement of reasons.⁴ The reasoning behind OWCP's evaluation should be clear enough for the reader to understand the precise defect of the claim.⁵

OWCP, in its December 20, 2017 decision, did not discharge its responsibility to set forth findings of fact and a clear statement of reasons explaining the disposition so that appellant could understand the basis for the decision, *i.e.*, why he was not entitled to an additional schedule award. It did not discharge its responsibility to provide appellant a statement explaining the disposition so that appellant could understand the basis for the decision as well as the precise defect and the evidence required to establish the claim for an additional schedule award.

The case must be returned to OWCP for a proper decision which includes findings of fact and a clear and precise statement regarding appellant's request for reconsideration on the denial of his claim for an additional schedule award. Following this and such further development as OWCP deems necessary, it shall issue an appropriate decision.

³ 5 U.S.C. § 8124(a); *see Hubert Jones, Jr.*, 57 ECAB 467 (2006); *Paul M. Colosi*, 56 ECAB 294 (2005).

⁴ 20 C.F.R. § 10.126. *See also M.L.*, Docket No. 09-0956 (issued April 15, 2010); *O.R.*, 59 ECAB 432 (2008); *Teresa A. Ripley*, 56 ECAB 528 (2005).

⁵ Federal (FECA) Procedure Manual, Part 2 -- *Claims, Disallowances*, Chapter 2.1400.5(c) (February 2013).

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated December 20, 2017 is set aside and the case is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: March 22, 2019
Washington, DC

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

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

Alec J. Koromilas, Alternate Judge
Employees' Compensation Appeals Board