

impairment, for a total of 41 percent permanent impairment of the right hand. Appellant stopped work again on September 19, 2007 due to his accepted left extremity conditions under OWCP File No. xxxxxx760. He underwent an OWCP-approved right shoulder arthroscopy on September 19, 2013.

On September 15, 2016 OWCP expanded the acceptance of the claim to include right shoulder impingement syndrome with adhesive capsulitis and right thumb degenerative arthritis.

On July 20, 2016 appellant filed a claim for an increased schedule award (Form CA-7) regarding his accepted right thumb and right shoulder conditions.

By decision dated October 18, 2016, OWCP granted appellant a schedule award for an additional eight percent permanent impairment of the right upper extremity, due to permanent impairment of his right shoulder, for a total of 46 percent permanent impairment of the right upper extremity. The effective date of the pay rate was noted as August 9, 1994.

On October 5, 2018 appellant filed a claim for an increased schedule award (Form CA-7). By decision dated March 18, 2019, OWCP denied appellant's claim for an increased schedule award of his right upper extremity. It noted that his previous schedule award compensation for permanent impairment of his right upper extremity totaled 46 percent. OWCP also found that the medical evidence of record did not support an increase in the impairment for which he was already compensated.

Appellant appealed to the Board. By decision dated January 3, 2020, the Board found that appellant had established an additional 17 percent permanent impairment of the right shoulder.²

By decision dated February 13, 2020, OWCP awarded appellant 17 percent permanent impairment of the right shoulder. The schedule award indicated that this constituted a total of 25 percent right upper extremity permanent impairment. The period of the award, equal to 53.04 weeks of compensation, ran from September 13, 2018 to September 19, 2019.

The Board, having duly considered this matter, finds that this case is not in posture for decision.

OWCP found that the additional 17 percent ordered by the Board totaled "25 percent right upper extremity permanent impairment." It did not explain how it calculated a total of only 25 percent when the case record indicates that appellant was previously issued schedule award compensation for a total of "46 percent Right Upper Extremity." Rather, it summarily found a total of only 25 percent right upper extremity permanent impairment without complying with the review requirements of FECA and its implementing regulations. Section 8124(a) of FECA provides that OWCP shall determine and make findings of fact and an award for or against payment of compensation.³ Its regulations provide that the decision of the Director of OWCP shall

² Docket No. 19-1041 (issued January 3, 2020).

³ 5 U.S.C. § 8124(a).

contain findings of fact and a statement of reasons.⁴ As well, OWCP's procedures provide that the reasoning behind OWCP's evaluation should be clear enough for the reader to understand the precise defect of the claim and the kind of evidence which would overcome it.⁵

The Board will therefore set aside OWCP's February 13, 2020 decision and remand the case for a *de novo* decision.⁶ Accordingly,

IT IS HEREBY ORDERED THAT the February 13, 2020 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded to OWCP for action consistent with this decision of the Board.

Issued: September 14, 2022
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

⁴ 20 C.F.R. § 10.126.

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

⁶ 5 U.S.C. § 8124(a). All evidence submitted should be reviewed and discussed in the decision. Evidence received following development that lacks probative value should also be acknowledged. Whenever possible, the evidence should be referenced by author and date. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Denials*, Chapter 2.1401.5(b)(2) (November 2012).