

the upper left arm and neck and later expanded its acceptance of the claim to include left shoulder impingement and complex regional pain syndrome (CRPS) of the left upper limb.

On February 21, 2023 appellant underwent surgery on her left shoulder by Dr. John Nikoleit, a Board-certified orthopedic surgeon, including arthroscopic subacromial decompression and distal clavicle resection.

On April 2, 2025 appellant filed a claim for compensation (Form CA-7) for a schedule award.

In a medical report dated May 28, 2025, Dr. Nikoleit documented physical examination findings in appellant's left shoulder and diagnosed nontraumatic incomplete tear of left rotator cuff and CRPS type 1 of the left upper extremity.

On June 24, 2025 OWCP routed a statement of accepted facts and the case record to Dr. William Tontz, Jr., a Board-certified orthopedic surgeon serving as OWCP's district medical adviser (DMA), for review and evaluation of appellant's permanent impairment pursuant to the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (A.M.A., *Guides*).³ In a report dated July 14, 2025, Dr. Tontz found four percent permanent impairment of the left upper extremity for partial tear of the rotator cuff. He indicated that appellant had reached maximum medical improvement (MMI) as of May 28, 2025, the date of Dr. Nikoleit's examination.

OWCP subsequently received a July 7, 2025 narrative report from Dr. Nikoleit, who indicated that appellant had reached MMI.

By decision dated August 12, 2025, OWCP granted appellant a schedule award for four percent permanent impairment of the left upper extremity (shoulder and limb). The award ran for 12.48 weeks from May 28 through August 23, 2025.

On November 7, 2025 appellant, through counsel, requested reconsideration of OWCP's August 12, 2025 decision. In support thereof, she submitted a permanent impairment rating report by Dr. Neil Allen, a Board-certified internist and neurologist, who noted appellant's subjective complaints and documented findings from a physical examination which occurred on July 17, 2025. Utilizing the A.M.A., *Guides*, he found 10 percent permanent impairment of the left upper extremity for acromioclavicular joint injury, status post clavicle excision.

By decision dated February 5, 2026, OWCP denied modification of its August 12, 2025 decision.

The Board has duly considered this matter and finds that the case is not in posture for decision.

The Board has 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 progression

³ A.M.A., *Guides* (6th ed. 2009).

of an employment-related condition resulting in permanent impairment or increased permanent impairment.⁴ When a claimant has requested reconsideration and has submitted new and relevant evidence with respect to a permanent impairment or an increased permanent impairment, then he or she will be entitled to a merit decision on the issue.⁵ OWCP's procedures provide that all claims for an additional schedule award should be referred for a second opinion medical evaluation.⁶ Once findings are reconciled with any medical evidence submitted by the claimant, the impairment evaluation carrying the weight of the medical evidence should be routed to the DMA for review.⁷

In the present case, appellant submitted the permanent impairment rating report of Dr. Allen after OWCP's August 12, 2025 schedule award decision. This report addressed the pertinent issue of this case, *i.e.*, whether she was entitled to additional schedule award compensation for upper extremity impairment, as they contained impairment ratings that referenced the A.M.A., *Guides*. However, OWCP did not refer appellant for a second opinion evaluation in accordance with its procedures regarding medical development of claims for increased schedule awards. The case shall, therefore, be remanded to OWCP for further development of the medical evidence, to be followed by a *de novo* decision regarding appellant's claim for an increased schedule award. Accordingly,

⁴ *Order Remanding Case E.S.*, Docket No. 20-0656 (issued February 5, 2021); *R.D.*, Docket No. 18-0579 (issued September 14, 2018); *D.S.*, Docket No. 17-0407 (issued May 24, 2017).

⁵ *See J.B.*, Docket No. 24-0011 (issued March 19, 2024); *C.W.*, Docket No. 18-1110 (issued December 28, 2018); *Linda T. Brown*, 51 ECAB 115 (1999); *Paul R. Reedy*, 45 ECAB 488 (1994); *see also B.K.*, 59 ECAB 228 (2007).

⁶ *See Order Remanding Case R.Y.*, Docket No. 25-0314 (issued March 11, 2025).

⁷ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Schedule Awards and Permanent Disability Claims*, Chapter 2.808.9b-d (February 2022).

IT IS HEREBY ORDERED THAT the February 5, 2026 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further proceedings consistent with this order of the Board.

Issued: June 12, 2026
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board