United States Department of Labor Employees' Compensation Appeals Board

B.A., Appellant	
Daii, Appendit)
and) Docket No. 12-1476
U.S. POSTAL SERVICE, POST OFFICE, Alexandria, VA, Employer) Issued: December 21, 2012)))
Appearances: Jeffrey P. Zeelander, Esq., for the appellant Office of Solicitor, for the Director	Case Submitted on the Record

ORDER REMANDING CASE

Before:
RICHARD J. DASCHBACH, Chief Judge
PATRICIA HOWARD FITZGERALD, Judge
ALEC J. KOROMILAS, Alternate Judge

On June 27, 2012 counsel filed a timely appeal from a May 25, 2012 decision of the Office of Workers' Compensation Programs (OWCP) affirming a June 8, 2010 decision denying total disability compensation commencing July 27, 2009 related to an accepted bilateral foot condition. The claim was docketed as No. 12-1476.

The Board has duly considered the matter and finds that this case is not in posture for decision. By decision dated May 25, 2012, OWCP found that appellant had not established that he was totally disabled for work on and after July 27, 2009 due to accepted bilateral plantar fibromatosis as he submitted insufficient medical evidence. It referred to medical reports filed under File No. xxxxxxx781, accepted for bilateral plantar fasciitis. OWCP stated that medical reports and a November 18, 2010 decision under File No. xxxxxxx781 were reviewed in preparing the May 25, 2012 decision. It noted that it accepted bilateral plantar fibromatosis under File No. xxxxxxx936 and combined that record under File No. xxxxxxx366, the case now before the Board. However, the record from File No. xxxxxxx781 was not added to the doubled file under No. xxxxxxx366.

The record forwarded to the Board indicates that File No. xxxxxx781 contains evidence relevant to File No. xxxxxx366 presently before the Board. The Board therefore finds this case is not in posture for a decision, as the record before the Board is incomplete and would not

permit an informed adjudication of the case by the Board. Thus, the case must be remanded to OWCP to combine the claim files. OWCP procedures provide for doubling claims when correct adjudication of the issues depends on frequent cross-reference between files. Upon remand, it should combine File No. xxxxxx781 with the instant case, File No. xxxxxx366. After combining the two records, OWCP should consider all relevant evidence regarding whether appellant was disabled for work on and after July 27, 2009 due to accepted bilateral foot conditions as claimed. It should then issue an appropriate merit decision.

IT IS HEREBY ORDERED THAT the May 25, 2012 decision of the Office of Workers' Compensation Programs be set aside and the case remanded for further proceedings consistent with this order of the Board.

Issued: December 21, 2012 Washington, DC

Richard J. Daschbach, Chief Judge Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge Employees' Compensation Appeals Board

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

¹ See Federal (FECA) Procedure Manual, Part 2 -- Claims, File Maintenance and Management, Chapter 2.400.8(c) (February 2000).