United States Department of Labor Employees' Compensation Appeals Board

L.A., Appellant)
and) Docket No. 13-536) Issued: May 22, 2013
U.S. POSTAL SERVICE, POST OFFICE, Albany, NY, Employer))))
Appearances: Alan J. Shapiro, 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 January 7, 2013 appellant, through her attorney, filed an application for review of a November 28, 2012 decision of the Office of Workers' Compensation Programs (OWCP) denying her traumatic injury claim for a bilateral trigger thumb condition. OWCP assigned File No. xxxxxx894 to this claim. The evidence of record also shows that appellant has a previously filed occupational disease claim that was accepted for bilateral carpal tunnel syndrome for which she received benefits under File No. xxxxxxx691. This earlier claim, to which OWCP assigned File No. xxxxxxx691, is not presently before the Board.

Having duly reviewed the matter, the Board finds that the case is not in posture for a decision. The Board notes that in the present claim, OWCP referred to and relied upon medical evidence from the previous claim under File No. xxxxxx691. It referenced July 13, 20 and August 31, 2010 form reports regarding appellant's work restrictions and return to full duty following bilateral carpal tunnel release surgery. OWCP stated that cumulative medical reports indicated that she complained of bilateral trigger thumb but failed to provide any history of the condition or opinion regarding what work duties may have caused the condition. By decisions dated May 10 and November 28, 2012, it denied appellant's claim finding that the evidence

¹ The record reveals that appellant initially filed a recurrence of disability claim, but OWCP converted it into a traumatic injury claim.

failed to establish that her alleged thumb condition was causally related to her federal employment.

Cases should be combined when correct adjudication of the issues depends on frequent cross-reference between files. OWCP procedures provide for the doubling of a claim when a new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body and also where two or more separate injuries (not recurrences) have occurred on the same date.² The case record now before the Board does not contain the case file for File No. xxxxxx691. Therefore, for a full and fair adjudication, appellant's claims should be doubled. On remand, OWCP shall combine File Nos. xxxxxx691 and xxxxxx894 and, following this and such other development as deemed necessary, issue an appropriate decision on her claim for compensation.

IT IS HEREBY ORDERED THAT the November 28, 2012 decision of the Office of Workers' Compensation Programs be set aside and the case remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: May 22, 2013 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

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