



recurrence and traumatic injury claim, but her case worker advised her to submit a new traumatic injury claim. She submitted a copy of the recurrence claim form that she filled out.

Appellant also submitted medical evidence attributing her condition to the January 20, 2012 employment injury. In medical reports dated August 22 to December 15, 2012, Dr. Emily E. Lorenzo, a Board-certified family practitioner, stated that in January 2012 appellant sustained an injury to her right shoulder at work and that on August 22, 2012 she sustained a recurrence of a shoulder injury when she lifted a tub of mail at work and felt the same pain and burning in her shoulder. Dr. Lorenzo provided findings on examination and diagnosed right shoulder pain and AC joint separation. In an October 10, 2012 report, Dr. Karen Jones, a Board-certified family practitioner, reported that appellant had a previous right shoulder injury in January and developed a recurrence of right shoulder pain at work on August 22, 2012. She noted that an August 22, 2012 x-ray was positive for a right AC separation. Dr. Jones diagnosed right shoulder pain and AC joint separation status post injury. Similarly, in a January 29, 2013 report, Dr. James Fleischli, a Board-certified orthopedic surgeon, related that appellant initially injured her right shoulder in January 2012 when lifting a package at work and exacerbated her preexisting injury while lifting on August 22, 2012. He diagnosed right shoulder impingement syndrome, AC arthritis with a partial cuff tear and right shoulder pain. By decisions dated January 7 and April 11, 2013, OWCP denied appellant's claim finding insufficient evidence to establish that her right shoulder condition was causally related to the August 22, 2012 employment incident.

Having duly reviewed the matter, the Board finds that the case is not in posture for a decision. OWCP procedures provide that cases should be combined when correct adjudication of the issues depends on frequent cross-reference between files. For example, if 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, doubling is required.<sup>1</sup> In the instant case, appellant filed a traumatic injury claim, under File No. xxxxxx133, for a right shoulder injury. The record further reveals that appellant previously filed a traumatic injury claim, assigned File No. xxxxxx419, for a January 20, 2012 injury to the same part of the body. The factual and medical evidence pertaining to appellant's January 20, 2012 employment injury in File No. xxxxxx419, however, is not contained in the case record. Furthermore, the record contains evidence of appellant's attempt to file a recurrence claim of the January 20, 2012 employment injury. On appeal appellant's attorney also alleges that the current claim could be adjudicated as a recurrence of the January 20, 2012 injury. However, OWCP continued to adjudicate the claim as a new traumatic injury claim even though the evidence supports that appellant sustained a recurrence of the January 20, 2012 right shoulder injury. It failed to properly combine or request combination of the present case record with the record of the January 20, 2012 employment injury, which

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<sup>1</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance & Management*, Chapter 2.400.8(c) (February 2000).

appellant implicated as the initial cause of her August 22, 2012 right shoulder condition.<sup>2</sup> The Board will consequently remand the case for OWCP to combine the current case record with File No. xxxxxx419 and determine whether she sustained either a recurrence of disability due to her January 20, 2012 employment injury or a new work injury. Following this and any further development deemed necessary, it shall issue a *de novo* decision on the merits.

**IT IS HEREBY ORDERED THAT** the April 11, 2013 decision of the Office of Workers' Compensation Programs is set aside and the case remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: April 15, 2014  
Washington, DC

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

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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

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<sup>2</sup> See *C.B.*, Docket No. 13-1091 (issued September 16, 2013) (remanding the case to OWCP to combine case files where the record revealed that appellant attributed a March 2, 2012 left foot injury to a previous April 12, 2004 employment injury). See also *M.Z.*, Docket No. 13-414 (issued June 26, 2012) (remanding the case to OWCP to combine case files where it did not adequately explain why it adjudicated appellant's notice of recurrence of disability as a new injury given that she alleged that she experienced pain immediately upon returning to work rather than relating her condition to new work factors).