United States Department of Labor Employees' Compensation Appeals Board

I.W., Appellant	_))	
and)	Docket No. 12-1155
U.S. POSTAL SERVICE, POST OFFICE, Bellmawr, NJ, Employer)) _)	Issued: November 13, 2012
Appearances: Alan J. Shapiro, Esq., for the appellant		Case Submitted on the Record

Office of Solicitor, for the Director

ORDER REMANDING CASE

Before:
RICHARD J. DASCHBACH, Chief Judge
COLLEEN DUFFY KIKO, Judge
PATRICIA HOWARD FITZGERALD, Judge

On May 2, 2012 appellant filed an appeal from an April 2, 2012 decision of the Office of Workers' Compensation Programs (OWCP). The Board assigned Docket No. 12-1155.

Appellant, a 51-year-old clerk and hazmat volunteer, filed a claim for traumatic injury on April 20, 2010 alleging that he sustained a low back injury on July 1, 2006 when he lifted a transmission out of a hamper. OWCP assigned this claim File No. xxxxxx453. The record also reflects that appellant had filed a claim for occupational disease, on March 24, 2007, alleging cervical and lumbar conditions due to repetitive motions required by his work, specifically including the lifting incident of July 1, 2006. OWCP assigned this claim File No. xxxxxx932.

OWCP denied appellant's April 20, 2010 traumatic injury claim by decision dated September 8, 2011 on the grounds that the claim was untimely filed. On September 16, 2011 appellant requested a hearing before the Branch of Hearings and Review. A transcript of proceedings reveals that a hearing was held by the Branch of Hearings and Review on January 11, 2012.

While appellant has appealed from the April 2, 2012 decision of the Branch of Hearings and Review, the record on appeal does not include the decision dated April 2, 2012. The evidence also indicates that File No. xxxxxx932 may have evidence pertinent to claim File No. xxxxxx453.

The Board, therefore, finds that the appeal docketed as No. 12-1155 is currently not in posture for decision. Because the record is incomplete, the Board is unable to render a fully informed adjudication of the case. OWCP procedures also require that cases should be combined where proper adjudication depends on cross-referencing evidence between files. In the instant appeal, it appears that for a full and fair adjudication, appellant's traumatic as well as occupational injury claims pertaining to the July 1, 2006 date of injury should be combined pursuant to OWCP procedures. Accordingly, the case is remanded to OWCP for reconstruction and proper assemblage of the case record, followed by issuance of an appropriate decision.

IT IS HEREBY ORDERED THAT the April 2, 2012 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further action consistent with this order of the Board.

Issued: November 13, 2012 Washington, DC

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

> Colleen Duffy Kiko, Judge Employees' Compensation Appeals Board

> Patricia Howard Fitzgerald, Judge Employees' Compensation Appeals Board

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