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P.W., Appellant	)	
	)	
and	)	Docket No. 10-1658
	)	Issued: April 21, 2011
DEPARTMENT OF VETERANS AFFAIRS,	)	
MARTINSBURG VETERANS MEDICAL	)	
CENTER, Martinsburg, WV, Employer	)	
	)	

Case Submitted on the Record

Before:
RICHARD J. DASCHBACH, Chief Judge
ALEC J. KOROMILAS, Judge
COLLEEN DUFFY KIKO, Judge

In the May 14, 2010 decision, the Office noted reviewing the other claim file and quoted from the March 4, 2009 decision, in claim number xxxxxx866, regarding certain findings. The Office indicated that in the present claim appellant asserted that he was “informed by his employing agency that he needed to submit a CA-2a, Notice of Recurrence of Disability, under a previous OWCP claim established under file xxxxxx866, rather than file a new CA-1.”²

² The Office stated that appellant's claim for recurrence of disability was denied by Office decision dated May 27, 2009, claim number xxxxxx866.

Appellant contended that the information required to establish his claim under the present claim, number xxxxxx415, was submitted by his employer under claim number xxxxxx866. The Office noted that appellant's supervisor confirmed that "the mix-up of correct filing of workers' compensation claims" caused "hardship" for appellant.

The Board has duly considered the matter and notes that the case is not in posture for a decision. The claim before the Board, number xxxxxx415, involves appellant's claim for a work-related lumbar injury. In the May 14, 2010 decision, the Office noted reviewing evidence and findings made in claim number xxxxxx866 in reaching its decision. The evidence also indicates that file number xxxxxx866 may have evidence germane to claim number xxxxxx415. Claim number xxxxxx866 is not presently before the Board. Pursuant to Office procedures, the Office has determined that cases should be combined where correct adjudication depends on cross-referencing between files. In the instant appeal, it appears that, for a full and fair adjudication, the Office claims pertaining to appellant's lumbar conditions should be combined pursuant to Office procedures.³ This will allow the Office to consider all relevant claim files in developing appellant's claim. Moreover, to consider appellant's appeal at this stage would involve a piecemeal adjudication of the issues in this case and raise the possibility of inconsistent results. It is the Board's policy to avoid such an outcome.⁴

The case will be remanded to the Office to combine case file numbers xxxxxx415 and xxxxxx866. Following this and such other development as deemed necessary, the Office shall issue an appropriate merit decision on appellant's claim.

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

⁴ See *William T. McCracken*, 33 ECAB 1197 (1982).

IT IS HEREBY ORDERED THAT the May 14, 2010 decision be set aside and the matter remanded to the Office of Workers' Compensation Programs for further proceedings consistent with this order of the Board.

Issued: April 21, 2011
Washington, DC

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

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board