

**United States Department of Labor  
Employees' Compensation Appeals Board**

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<b>C.H., Appellant</b>	)	
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<b>and</b>	)	<b>Docket No. 11-1946</b>
	)	<b>Issued: December 12, 2011</b>
<b>DEPARTMENT OF HOMELAND SECURITY, CUSTOMS &amp; BORDER PROTECTION, Edmonton, Alberta, Canada, Employer</b>	)	
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*Appearances:* *Case Submitted on the Record*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

**ORDER REMANDING CASE**

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

Appellant filed an application for review of the Office of Workers' Compensation Programs' (OWCP) June 28, 2011 merit decision denying his occupational disease claim. The appeal was docketed as No. 11-1946. After considering the evidence of record, the Board finds this case is not in posture for a decision.

The present appeal involves appellant's April 1, 2011 occupational disease claim (No. xxxxxx385 in which he alleged that he sustained a shoulder injury as a result of repetitive fingerprinting activities. In a decision dated June 28, 2011, OWCP denied his claim on the grounds that he had not established that his claimed shoulder condition was causally related to established employment activities.

The record indicates that appellant filed an April 16, 2011 occupational disease claim (No. xxxxxx549), in which he also alleged that he sustained a shoulder injury as a result of repetitive fingerprinting activities.<sup>1</sup> In a decision dated May 23, 2011, OWCP denied his claim in File No. xxxxxx549 on the grounds that he had not established that he had experienced the

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<sup>1</sup> Appellant also alleged that he developed migraine headaches, sinus pain, dizziness and nausea due to employment-related exposure to toxic fumes in the workplace.

employment-related events as alleged. The record in the instant case, however, does not contain any evidence relating to the development of appellant's claim in File No. xxxxxx549.

In its June 28, 2011 decision, OWCP denied appellant's claim in the instant case, without addressing factual and medical evidence submitted in conjunction with File No. xxxxxx549. As the allegations contained in File No. xxxxxx549 relating to appellant's claimed shoulder injury are substantially the same as those contained in the instant case (File No. xxxxxx385), the medical evidence contained in File No. xxxxxx549 will necessarily bear directly on appellant's claim for compensation in File No. xxxxxx385. Because it is essential for the Board to review the medical evidence contained in File No. xxxxxx549 in order to render a full and fair adjudication of the present appeal, this case will be remanded for OWCP to consolidate case file numbers xxxxxx549 and xxxxxx385. Reconstruction of the record will be followed by a *de novo* decision on the merits of the claim, in order to protect appellant's appeal rights.

**IT IS HEREBY ORDERED THAT** the Office of Workers' Compensation Programs' June 28, 2011 decision be set aside and the case remanded for further development consistent with this order.<sup>2</sup>

Issued: December 12, 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

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<sup>2</sup> The Board notes that appellant requested oral argument before the Board. Pursuant to 20 C.F.R. § 501.5(a), oral argument may be held in the discretion of the Board. 20 C.F.R. § 501.5(a). In light of the Board's ruling, oral argument is not appropriate in this case. Therefore, appellant's request for oral argument is denied.