



In a decision dated March 1, 2011, OWCP denied appellant's claim on the grounds that he had not established a causal relationship between his claimed sinus condition and factors of employment. On May 18, 2011 it denied his request for an oral hearing as untimely. By decision dated September 29, 2011, OWCP denied appellant's request for reconsideration, finding that the evidence presented did not warrant merit review.

The record indicates that appellant has filed similar occupational disease claims based on employment-related exposure to toxic fumes, including: a December 21, 2008 claim (No. xxxxxx995), which was accepted for acute episodic allergic bilateral conjunctivitis/rhinitis; a November 27, 2007 claim (No. xxxxxx846), which appellant states was accepted by OWCP; a pending May 18, 2011 occupational disease claim (No. xxxxxx270), in which he alleged that he developed occupational asthma and allergic rhinitis due to employment-related exposure to jet and diesel fumes, dust and toxins. The record in the instant case, however, does not contain any evidence relating to the development of the prior claims.

In its September 29, 2011 decision, OWCP denied appellant's reconsideration request, without addressing his contention that the record in previously filed cases would establish a causal relationship between his claimed medical condition and established work-related exposure to toxic fumes. As the allegations contained in File Nos. xxxxxx995, xxxxxx846 and xxxxxx270 are substantially the same as those contained in the instant case (File No. xxxxxx576), the medical evidence contained in those files will necessarily bear directly on appellant's claim for compensation in File No. xxxxxx576. Because it is essential for the Board to review the medical evidence contained in file numbers xxxxxx995, xxxxxx846 and xxxxxx270 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 xxxxxx995, xxxxxx846, xxxxxx270 and xxxxxx576. Following reconstruction of the record, OWCP shall reconsider appellant's request for merit review based on new evidence available in the consolidated case record and shall issue an appropriate decision.<sup>1</sup>

---

<sup>1</sup> In File No. xxxxxx270, appellant appealed a July 29, 2011 merit decision denying his occupational disease claim.

**IT IS HEREBY ORDERED THAT** the Office of Workers' Compensation Programs' September 29, 2011 decision be set aside and the case remanded for further development consistent with this order.<sup>2</sup>

Issued: December 19, 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

---

<sup>2</sup> In light of the Board's ruling, it is unnecessary to address OWCP's May 19, 2011 decision denying appellant's hearing request. 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.