

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

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**A.C., Appellant**

**and**

**U.S. POSTAL SERVICE, POST OFFICE,  
Indianapolis, IN, Employer**

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**Docket No. 11-1142  
Issued: November 15, 2011**

*Appearances:*

*Alan J. Shapiro, Esq., for the appellant  
Office of Solicitor, for the Director*

*Case Submitted on the Record*

**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) December 6, 2010 merit decision denying her occupational disease claim and the March 7, 2011 nonmerit decision denying her request for reconsideration. The appeal was docketed as No. 11-1142. After considering the evidence of record, the Board finds this case is not in posture for a decision.

The present appeal involves appellant's October 11, 2010 occupational disease claim (File No. xxxxxx026), in which she alleged that she developed carpal tunnel syndrome, arm pain and bilateral wrist cysts due to repetitive job activities for 31 years, and that she first realized her condition was employment related on April 5, 2005. The record indicates that on June 20, 2005 appellant filed a similar claim (File No. xxxxxx704),<sup>1</sup> which was denied by OWCP in decisions dated July 18, 2006 and May 4, 2007.<sup>2</sup> By decision dated November 14, 2007, the Board

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<sup>1</sup> Appellant cited wrist injuries due to 27 years of repetitive duties as a clerk.

<sup>2</sup> Appellant has filed several prior claims for neck and shoulder injuries. Her 1998 occupational disease claim was accepted for cervical radiculopathy (File No. xxxxxx317); her January 3, 2000 claim was accepted for bilateral rotator cuff sprain (File No. xxxxxx554); her January 5, 2001 traumatic injury claim was accepted for right shoulder sprain (File No. xxxxxx437); and her July 21, 2002 claim was accepted for bilateral shoulder tendinitis (File No. xxxxxx645). These files were combined, with File No. xxxxxx554 serving as the master file.

affirmed OWCP's denial of the claim.<sup>3</sup> The record in the instant case, however, does not contain any evidence relating to the development of the prior claim.

The record contains a March 7, 2011 memorandum from an OWCP claims examiner reflecting that appellant's claim in File No. xxxxxx026 was substantially similar to her claim in File No. xxxxxx704. Noting that he was not combining the two cases due to the fact that both claims had been denied, the claims examiner stated that File No. xxxxxx704 should be consulted in the event that further review was necessary in File No. xxxxxx026.

As the allegations contained in File No. xxxxxx026 are substantially the same as those contained in File No. xxxxxx704, the medical evidence contained in File No. xxxxxx704 will necessarily bear directly on appellant's claim for compensation in File No. xxxxxx026. Because it is essential for the Board to review the medical evidence contained in file number xxxxxx704 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 xxxxxx704 and xxxxxx026. 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.

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<sup>3</sup> Docket No. 07-1830 (issued November 14, 2007).

**IT IS HEREBY ORDERED THAT** the Office of Workers' Compensation Programs' December 6, 2010 decision be set aside and the case remanded for further development consistent with this order.<sup>4</sup>

Issued: November 15, 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>4</sup> In light of the Board's ruling on the December 6, 2010 merit decision, it is not necessary to address the March 7, 2011 nonmerit decision.