



OWCP referenced in its October 25, 2010 decision that appellant had an accepted a left lower extremity injury under a prior claim, OWCP File No. xxxxxx998,<sup>2</sup> as appellant had filed a recurrence claim under that file number and as it had copied appropriate medical evidence from OWCP File No xxxxxx998 into the current OWCP File No. xxxxxx041,<sup>3</sup> OWCP should have doubled the case files in accordance with its procedures.

As the record before the Board does not contain all the evidence from the prior claim, other than the medical evidence considered relevant by OWCP, the Board is unable to properly address and adjudicate the issue of whether appellant sustained an aggravation of a left knee condition due to the employment duties identified by appellant.

On remand, OWCP should combine the present case record, OWCP File No. xxxxxx041, with OWCP File No. xxxxxx998.

After combining these two case records on remand, OWCP should consider the evidence contained in the combined case record and, following any necessary further development, issue an appropriate merit decision. Accordingly, the October 25, 2010 decision denying his occupational disease claim should be set aside.

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<sup>2</sup> In the October 25, 2010 decision, OWCP noted that on September 13, 1993 appellant filed a traumatic injury claim while working at the Naval Shipyard in Long Beach, CA. OWCP stated:

“The traumatic injury occurred when the claimant tripped over a hose, fell and twisted his knees. [OWCP] accepted that the claimant sustained traumatic bilateral synovitis, bilateral knee contusions, bilateral mallet fingers and aggravation of left osteochondritis.” The claimant has a preexisting history for left knee osteochondritis, 1979 left knee nonindustrial surgery and nonindustrial chondromalacia.”

OWCP also noted that a claim for recurrence had been filed under this claim number.

<sup>3</sup> On January 15, 2009 appellant, then a 44-year-old orthotist-prosthetist, filed an occupational disease claim alleging that his left knee meniscal tear, osteoarthritis and osteochondral lesion were employment related.

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated October 25, 2010 is set aside and the case remanded for further proceedings consistent with this order of the Board.

Issued: October 25, 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