

No. xxxxxx149. OWCP accepted the claim for a condition of concussion without loss of consciousness. The hearing representative noted that, after the acceptance of claim No. xxxxxx149, appellant submitted additional medical evidence which recommended cervical surgery and diagnosed cervical degenerative disc, joint disease with underlying radiculopathy and headaches. In footnote 1 of the September 21, 2010 decision, the hearing representative stated that, "Since I have reviewed case xxxxxx149 in connection with case xxxxxx360 and since both cases involve the same condition, they should be combined." The case record as submitted to the Board does not include the record for xxxxxx149.

As both cases involve the same cervical condition and the medical evidence from claim No. xxxxxx149 was reviewed by the hearing representative in OWCP's September 21, 2010 decision, the medical evidence contained in claim No. xxxxxx149 will necessarily bear directly on appellant's claim for compensation in this claim, No. xxxxxx360.

This case will be remanded to OWCP to consolidate case files xxxxxx149 and xxxxxx360. 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 Workers' Compensation Programs' March 23, 2011 decision be set aside and the case remanded for further development consistent with this order.

Issued: April 12, 2012
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