

In a September 14, 2011 decision, OWCP denied the instant claim on the grounds that it was not timely filed. Appellant timely requested a review of the written record and in a January 25, 2012 decision, an OWCP hearing representative affirmed the September 14, 2011 decision. The hearing representative referenced OWCP file number xxxxxx534, but found that the instant claim was untimely because, when appellant retired in 1989, the evidence did not establish that he informed his employer that he believed there was a relationship between his degenerative disc disease and employment. The hearing representative further noted that, on July 8, 2010, under file number xxxxxx534, OWCP accepted a permanent change to appellant's degenerative disc disease from L2-S1 and approved recommended surgery.

As the three claims referenced above are for back conditions and appellant is now claiming that his degenerative disc disease was aggravated by employment injuries that occurred in the 1980s, it is unclear whether the record before the Board, OWCP file number xxxxxx789, contains all evidence that would be relevant as to whether the instant claim was timely filed or whether the instant claim would more appropriately be adjudicated as an aggravation or consequence of either injury that occurred in the 1980s. Further, OWCP's hearing representative indicated that degenerative disc disease from the level of L2 to S1 had been accepted under file number xxxxxx534.

Hence, the Board finds that this case is not in posture for a decision as the record before the Board is incomplete and would not permit an informed adjudication of the case by the Board. OWCP procedures provide for the doubling of a claim when a new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body.¹ The case must therefore be remanded to OWCP to obtain OWCP file numbers xxxxxx505 and xxxxxx534, to be combined with the instant case, OWCP file number xxxxxx789, and for further reconstruction and development deemed necessary, to be followed by an appropriate *de novo* decision.

¹ Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance & Management*, Chapter 2.400.8(c) (February 2000).

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers' Compensation Programs dated January 25, 2012 and September 14, 2011 be set aside and the case remanded for further proceedings consistent with this order of the Board.

Issued: August 13, 2012
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board