



In a decision dated March 2, 2011, OWCP denied appellant's claim on the grounds that his January 6, 2011 claim was a duplicate of File No. xxxxxx450. Noting that the instant claim alleged a verbal threat by a coworker on June 10, 2009, rather than June 6, 2009 as alleged in File No. xxxxxx450, OWCP stated that there was no evidence of record to indicate that appellant had experienced a new injury.

In its March 2, 2011 decision, OWCP denied appellant's claim in the instant case, finding that it was a duplicate of his claim in File No. xxxxxx450. In the same decision, however, the claims examiner acknowledged that appellant had identified a different date of injury as the cause of his claimed condition in File No. xxxxxx610. Therefore, while the claims may be substantially similar, they do not appear to be identical. Because it is essential for the Board to review the evidence contained in File No. xxxxxx450 in order to render a full and fair adjudication of the present appeal, this case will be remanded for OWCP to consolidate case files xxxxxx450 and xxxxxx610. 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.<sup>2</sup>

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

Issued: January 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

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<sup>2</sup> On remand, OWCP should review the evidence in both case files to determine whether appellant's claim in File No. xxxxxx610 constitutes a claim for a new injury or a recurrence of disability under File No. xxxxxx450.