



not met her burden of proof to show that her low back and feet conditions were related to the accepted work injury.”<sup>2</sup>

The Board has duly considered the matter and notes that the case is not in posture for a decision. The claim before the Board, case number xxxxxx960, involves appellant’s claim for an occupational disease involving the low back, specifically alleging that, after her second knee surgery accepted under claim number xxxxxx030, she developed low back pain. In the November 23, 2011 decision, OWCP noted reviewing evidence and findings made in claim number xxxxxx597 in reaching its decision. The evidence also indicates that file number xxxxxx597 may have evidence germane to claim number xxxxxx960.

Pursuant to its procedures, OWCP has determined that cases should be combined where correct adjudication depends on cross-referencing between files. In the instant appeal, it appears that, for a full and fair adjudication, OWCP claims with evidence germane to appellant’s low back conditions should be combined pursuant to OWCP procedures.<sup>3</sup> This will allow OWCP to consider all relevant claim files in developing appellant’s claim. Moreover, to consider appellant’s appeal at this stage would involve a piecemeal adjudication of the issues in this case and raise the possibility of inconsistent results. It is the Board’s policy to avoid such an outcome.<sup>4</sup>

The case will be remanded to OWCP to combine case files numbers xxxxxx960, xxxxxx597 and xxxxxx030. Following this and such other development as deemed necessary, OWCP shall issue an appropriate merit decision on appellant’s claim.

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<sup>2</sup> The complete medical records and factual information pertaining to these claims are not in the record before the Board.

<sup>3</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

<sup>4</sup> See *William T. McCracken*, 33 ECAB 1197 (1982).

**IT IS HEREBY ORDERED THAT** the November 23, 2011 decision be set aside and the matter remanded to the Office of Workers' Compensation Programs for further proceedings consistent with this order.

Issued: July 25, 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