

**United States Department of Labor  
Employees' Compensation Appeals Board**

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**L.B., Appellant**

**and**

**U.S. POSTAL SERVICE, POST OFFICE,  
Los Angeles, CA, Employer**

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**Docket No. 12-487  
Issued: September 12, 2012**

*Appearances:*

*Alan J. Shapiro, Esq., for the appellant  
Office of Solicitor, for the Director*

*Case Submitted on the Record*

**ORDER REMANDING CASE**

Before:

RICHARD J. DASCHBACH, Chief Judge  
COLLEEN DUFFY KIKO, Judge  
PATRICIA HOWARD FITZGERALD, Judge

On January 4, 2012 appellant filed an application requesting review of a November 10, 2011 decision of the Office of Workers' Compensation Programs (OWCP). By that decision the OWCP hearing representative affirmed OWCP's April 11, 2011 wage-earning capacity decision. The appeal was docketed as 12-487.

In its November 10, 2011 decision, the hearing representative affirmed the reduction of appellant's compensation based on his wage-earning capacity as a surveillance systems monitor. She noted reviewing appellant's file under claim number xxxxxx687 in relation to a left hand injury sustained on May 6, 2004. The hearing representative stated that she reviewed a May 2004 medical report from that claim and further advised that "subsequent medical review under that claim demonstrated no ongoing medical condition or impairment related to that injury."

The Board has duly considered the matter and notes that the case is not in posture for decision. The evidence indicates that file number xxxxxx687 may have evidence germane to claim number xxxxxx947.

Pursuant to its procedures, OWCP has determined that cases should be combined where correct adjudication depends on cross-referencing between files.<sup>1</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>2</sup>

The case will be remanded to OWCP to combine case file numbers xxxxxx947 and xxxxxx687. Following this and such other development as deemed necessary, OWCP shall issue an appropriate merit decision on appellant's claim.

**IT IS HEREBY ORDERED THAT** the November 10, 2011 Office of Workers' Compensation Programs' decision be set aside and the case remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: September 12, 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

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<sup>1</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

<sup>2</sup> See *William T. McCracken*, 33 ECAB 1197 (1982).