

In a decision dated June 6, 2012, OWCP denied modification of its September 9, 2011 decision. The claims examiner reviewed the medical evidence of record and referenced certain medical evidence contained in File No. xxxxxx710, which included a functional capacity examination and second opinion examination pertaining to appellant's work capacity on the day he returned to work. In an October 3, 2012 decision, OWCP, in denying modification of its June 6, 2012 decision, discussed the history of appellant's previously accepted injuries, as well as the medical evidence of record in the instant case as it related to appellant's knee condition prior and subsequent to his return to work on July 21, 2011.

The Board finds that it is essential to review the medical evidence contained in File Nos. xxxxxx570, xxxxxx577 and xxxxxx710 in order to render a full and fair adjudication of the present appeal. Due to the overlapping nature of the claims, the evidence contained in those case records will necessarily bear directly on appellant's claim for compensation in File No. xxxxxx849. Without reviewing the case records in File Nos. xxxxxx570, xxxxxx577 and xxxxxx710, the Board is unable to determine whether OWCP properly considered all relevant evidence in rendering its final decision. Accordingly, this case will be remanded for OWCP to consolidate case File Nos. xxxxxx849, xxxxxx570, xxxxxx577 and xxxxxx710. 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 of Workers' Compensation Programs' October 3 and June 6, 2012 decisions be set aside and the case remanded for further development consistent with this order of the Board.

Issued: April 12, 2013
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