

OWCP's procedures require that, in adjudicating the case, the claims examiner must review and evaluate all material submitted to determine whether the case meets the standards for a claim under FECA of timeliness, civil employee, fact of injury, performance of duty and causal relationship.¹ The procedures further provide that OWCP must advise a claimant by letter of the accepted conditions, the date of injury, name of employer and entitlement to continuation of pay and instructions for filing wage loss.² The Board notes that OWCP's August 13, 1993 decision adjudicated appellant's claim and found that it met the criteria for claim acceptance. OWCP's procedures also address the development of recurrence claims.³ Section 2.1500.4(c) of OWCP's procedure manual provides that claims for recurrence require adjudication except when the claimant is still receiving continuation of pay, the recurrence is for medical care only and the claim is in open status and neither wage-loss compensation or payment for medical expenses is claimed at present.⁴ Appellant's claim does not fall within the exceptions. Therefore, the Board finds that OWCP did not conform to its established procedures with regard to adjudicating appellant's claim for a recurrence of disability. Because OWCP's July 23, 2012 decision did not adjudicate the recurrence claim, the Board finds that OWCP has not fulfilled its responsibility under its procedures.

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated July 23, 2012 is set aside and the case remanded for a *de novo* decision on appellant's claim for a recurrence of disability.

Issued: August 23, 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

¹ See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Acceptances*, Chapter 2.806.2 (June 2011).

² *Id.*

³ See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Recurrences*, Chapter 2.1500 (October 2009) (sets forth OWCP procedures for adjudicating recurrence claims).

⁴ *Id.* at 2.1500.4(c).