

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

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<b>A.R., Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 13-924</b>
	)	<b>Issued: August 12, 2013</b>
<b>U.S. POSTAL SERVICE, POST OFFICE, Bellmawr, NJ, Employer</b>	)	
	)	

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*Appearances:*  
*Thomas R. Uliase, 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 March 7, 2013 appellant, through his attorney, filed an application for review of a December 4, 2012 merit decision of the Office of Workers' Compensation Programs (OWCP). In this decision, the hearing representative affirmed the termination of his compensation benefits on the grounds that he no longer was disabled or had residuals of his work-related conditions sustained in an October 21, 2011 motor vehicle accident. This case was assigned OWCP File No. xxxxxx345. The hearing representative also reviewed evidence in appellant's prior occupational disease claim for a bilateral knee condition, assigned File No. xxxxxx382.<sup>1</sup> She advised OWCP to combine the files on the basis that adjudication of the instant case would require frequent reference to the earlier claim. The case record presently before the Board, however, is limited to evidence in File No. xxxxxx345.

Having duly reviewed the matter, the Board finds that the case is not in posture for decision. According to OWCP's procedures, cases should be combined when correct adjudication of the issues depends on frequent cross-reference between files.<sup>2</sup> For example, if a

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<sup>1</sup> Appellant alleged that he sustained a bilateral knee condition due to repetitive climbing of steps.

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

new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body, doubling is required.<sup>3</sup> In the instant case, appellant filed a timely appeal of a December 4, 2012 decision terminating his compensation under File No. xxxxxx345 on the grounds that he no longer was disabled or had residuals due to his work-related left knee contusion, *inter alia*. Previously, he filed an occupational disease claim, assigned File No. xxxxxx382, for a condition affecting the same part of the body. In her December 4, 2012 decision, the hearing representative considered evidence from File No. xxxxxx382 and directed combining the files. In the instant appeal, for a full and fair adjudication, these two OWCP claims should be combined consistent with OWCP procedures.

On remand OWCP shall combine File Nos. xxxxxx345 and xxxxxx382 and, following this and other development deemed necessary, issue an appropriate decision.

**IT IS HEREBY ORDERED THAT** the December 4, 2012 decision of the Office of Workers' Compensation Programs be remanded for further action consistent with this order of the Board.

Issued: August 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

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<sup>3</sup> *Id.* at Chapter 2.400.8(c)(1).